

SUBCHAPTER 2 DEFINITIONS AND RULES OF MEASUREMENT

295-201. Definitions. In this chapter:

1. **ACCESS DRIVE** means a roadway leading from a public right-of-way to a parking area. Such a roadway shall be considered part of the parking area when it is adjacent to one or more parking spaces.
3. **ACCESSORY BUILDING** means a building on the same lot as a principal structure and customarily incidental and subordinate to the principal structure or use.
7. **ACCESSORY STRUCTURE** means a structure on the same lot as a principal structure and customarily incidental and subordinate to the principal structure or use. An accessory structure may be attached or detached from the principal structure. An accessory structure does not contain habitable space. Examples of accessory structures include, but are not limited to, garages, sheds, decks, fences, trellises, flagpoles, air conditioners and awnings.
9. **ACCESSORY USE** means a use of land or of a structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same site or development site as the principal use.
11. **ADULT ENTERTAINMENT ESTABLISHMENT** means an establishment providing nude dancing or other live or recorded performances that depict, describe or relate to specified sexual activities: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation or sodomy; fondling or other erotic touching of human genitals (pubic region), buttocks or female breasts; or specified anatomical areas. This term does not include any establishment for which a license is required under ch. 90.
13. **ADULT FAMILY HOME** means a facility licensed as an adult family home by the state of Wisconsin where 3 or 4 adults not related to the operator reside and are provided with care, treatment or services above the level of room and board. Such care and treatment may include up to 7 hours per week of nursing care per resident.
15. **ADULT RETAIL ESTABLISHMENT** means an establishment in which 10 percent or more of the gross public floor area is devoted to, or 10 percent or more of the stock-in-trade consists of, the following: books, magazines and other periodicals, movies, videotapes, compact discs, digital versatile discs, novelty items, games, greeting cards and other materials which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation or sodomy; fondling or other erotic touching of human genitals (pubic region), buttocks or female breasts; or specified anatomical areas.
17. **AIRPORT** means facilities for the takeoff and landing of aircraft, including runways, aircraft storage buildings, helicopter pads, air traffic control facilities, informational facilities and devices, terminal buildings and airport auxiliary facilities, including fences, lighting and antennae systems, on-premise signs, driveways and access roads. This term includes aircraft maintenance facilities, aviation instruction facilities and heliports when part of a larger airport facility.
19. **AIRPORT PERIMETER FEATURE** means a fence, lighting system, antennae system, on-premise sign, driveway or access road, other than a taxiway, associated with an airport.
21. **ALLEY** means a service way providing a secondary means of public vehicular access to abutting property and not intended for general traffic circulation.
23. **ALTERATION** means any change, addition, modification or repair to any structural part of an existing structure, any change which involves room arrangement, fenestration, exit stairways, fire protection equipment, exits, application of exterior finish materials or cladding, or any modification of signs, parking areas, fencing, canopies, landscaping, site topography or similar site features.
25. **AMBULANCE SERVICE** means a privately-owned facility for the dispatch, storage and maintenance of emergency medical care vehicles.

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27. ANIMAL BOARDING FACILITY means an establishment in which more than 3 dogs or 3 cats, or any combination thereof, over the age of 5 months may be kept for boarding, breeding, safekeeping, convalescence, humane disposal, placement, sale or sporting purposes. This is the same type of facility referred to as a "kennel" in ch. 78.

29. ANIMAL GROOMING OR TRAINING FACILITY means an establishment providing bathing, trimming or training of domestic animals on a commercial basis. This term includes the boarding of domestic animals for a maximum period of 48 hours incidental to the grooming or training services provided.

31. ANIMAL HOSPITAL/CLINIC means an establishment providing medical and surgical treatment of domestic animals, including grooming and boarding for not more than 30 days if incidental to the medical care. This term includes an animal crematorium.

33. ANTIQUE STORE means a retail establishment in which the display of man-made articles produced or constructed at least 100 years ago, or articles collected and recognized by a formal organization established to research, promote and provide information about such articles, covers at least 85% of the display floor area. See RETAIL ESTABLISHMENT, GENERAL.

35. APARTMENT BUILDING. See MULTI-FAMILY DWELLING.

37. APPLIANCE, MAJOR means non-portable equipment used for domestic functions, including but not limited to washers, dryers, refrigerators, freezers and stoves.

39. APPLIANCE, SMALL means a portable device or instrument used for domestic functions, including but not limited to vacuum cleaners, televisions, toasters, hairdryers, mixers, fans, radios and food processors.

41. ARCADE means an open space covered by a roof or portion of a structure and open to the outside on at least one side.

43. ARTIST STUDIO means work space for one or more artists or artisans, including the accessory sale of art produced on the premises.

45. ASSEMBLY HALL means an establishment providing meeting space for social gatherings, including but not limited to wedding receptions, graduation parties and business or retirement functions. This term includes, but is not limited to, a banquet hall, rental hall, non-alcoholic social club, non-denominational chapel or meeting space for a club or membership organization. This term does not include a convention center.

47. ATRIUM means a fully enclosed space lighted by skylights, or an outdoor space enclosed by walls and open to the sky.

49. ATTACHED SINGLE-FAMILY DWELLING means one dwelling unit located on a lot, wherever such dwelling unit has at least 2 exposed exterior walls and is attached by a common vertical wall to an adjacent dwelling unit which is located on another lot and has at least 2 exposed exterior walls.

51. AUTOMOBILE. See LIGHT MOTOR VEHICLE.

53. AWNING means a roof-like shelter which is attached to the exterior wall of a structure and which slopes and drains away from such building or structure. See also HOOD.

54. A-ZONE means an area shown on the official floodplain zoning map that would be inundated by the regional flood. Such area may be a numbered or unnumbered A-Zone. An A-Zone may or may not be reflective of flood profiles, depending on the availability of data for a given area.

55. BANK OR OTHER FINANCIAL INSTITUTION means an establishment providing retail banking, credit and mortgage services. This term does not include a currency exchange, a payday loan agency or a title loan agency.

56. BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year, as published by the federal emergency management agency as part of a flood insurance study and depicted on a flood insurance rate map.

56.5. BASEMENT means any enclosed area of a building having its floor below grade on all sides.

57. BED AND BREAKFAST means an establishment which:

- a. Provides rooms for rent for short periods of time.
- b. Provides meals only to renters of rooms in the establishment.

- c. Is the operator's personal residence.
- d. Is occupied by the operator at the time of rental.
- e. Is operated with a bed and breakfast establishment permit issued by the health department pursuant to s. 75-5.
- 59.** BILLBOARD. See SIGN, OFF-PREMISE.
- 61.** BLOCK means land surrounded on all sides by streets or other transportation or utility rights-of-way, or by physical barriers such as bodies of water or public open spaces. **6** **3**.
BLOCKFACE means that portion of a block adjacent and parallel to the abutting public street and normally extending from one intersecting street to another. A corner lot shall be part of the blockface parallel to the lot's front lot line.
- 65.** BLOOD PROCESSING CENTER. See MEDICAL SERVICE FACILITY.
- 67.** BOARD means the board of zoning appeals.
- 69.** BOATHOUSE means a structure used for the storage of watercraft and associated materials, which has one or more walls or sides.
- 71.** BROADCASTING OR RECORDING STUDIO means an establishment containing one or more broadcasting studios for over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio or television programs or motion pictures. This term does not include a transmission tower.
- 73.** BUFFER means a setback or open space with a fence, wall or landscaping that provides a visual barrier between uses.
- 75.** BUILDABLE AREA means the area enclosed by the front, side and rear setbacks, as well as any side street or rear street setbacks.
- 77.** BUILDING means an enclosed structure built, erected or framed of component parts for the housing, shelter, support and enclosure of persons, animals or property.
- 79.** BUILDING CODE means chs. 200 to 290 of this code.
- 81.** BUILDING ENVELOPE means the 3-dimensional area enclosed by the front, side and rear setbacks and the maximum height, as well as any side street or rear street setbacks.
- 83.** BUILDING MAINTENANCE SERVICE means an establishment providing routine maintenance of buildings. This term includes, but is not limited to, a window washing, building cleaning, pest extermination or disinfecting service.
- 85.** BUILDING SUPPLY STORE. See HOME IMPROVEMENT CENTER.
- 87.** BULK means the volumetric character of a structure, including but not limited to combinations of height, lot coverage, floor area, floor area ratio and open space.
- 88.** BULKHEAD LINE means a geographic line along a reach of navigable water that has been adopted by city ordinance and approved by the Wisconsin department of natural resources pursuant to s. 30.11, Wis. Stats., as amended, and which allows limited filling between this bulkhead line and the original ordinary high water mark, except where such filling is prohibited by the floodway provisions of s. 295-1011.
- 89.** BUSINESS SERVICE means an establishment providing services to business establishments on a fee or contract basis, including, but not limited to, advertising services, business equipment and furniture sales or rental or protective services. This term includes, but is not limited to, an employment agency, photocopy center, commercial photography studio or mailing service. This term does not include maintenance, repair and office uses such as accounting, advertising, architectural design, city planning, environmental analysis, insurance, interior design, investment, landscape design, law, management consulting, title research and real estate.
- 90.** CAMPGROUND means any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for non-permanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
- 90.5.** CAMPING UNIT means any portable device, not more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.
- 91.** CANOPY means a rigid, roof-like structure which is accessory to a principal building and which provides shelter but is not enclosed. Such a structure, which may be either freestanding or attached to a principal building, is characterized by vertical support elements.
- 93.** CAR WASH means an establishment providing washing, waxing or cleaning of light motor vehicles, including access and queuing lanes.

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95. CATERING SERVICE means an establishment providing the processing, assembly and packaging of food into servings for consumption off-premises without provision for on-site pickup or consumption. This term includes, but is not limited to, the preparation of meals by a catering business or by a nonprofit organization operating a meal program.

97. CEMETERY OR OTHER PLACE OF INTERMENT means a place for the interment of the dead. This term includes a columbarium or mausoleum, but does not include a crematorium or mortuary.

98. CERTIFICATE OF COMPLIANCE means a certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of s. 295-1011.

99. CHANNEL means a natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

101. CHURCH. See RELIGIOUS ASSEMBLY.

103. CLERESTORY WINDOW means a window in the upper part of a wall, with a sill at least 6.5 feet above the interior floor level of a building.

105. COLLEGE means an educational institution authorized by the state to award baccalaureate or higher degrees, or any campus of the state vocational, technical and adult education system. This term includes any classroom, laboratory, sporting facility or office associated with such institution. This term does not include a dormitory.

107. COMMISSION means the city plan commission.

109. COMMISSIONER means, unless otherwise specified, the commissioner of city development or a designated representative.

111. COMMUNITY CENTER means a building or group of buildings operated by a public or nonprofit group or agency and used for recreational, social, educational or cultural activities. A community center may include a health clinic or social service facility if the clinic or facility is ancillary to the principal recreational, social, educational or cultural use of the premises.

113. COMMUNITY LIVING ARRANGEMENT means either of the following facilities licensed, operated or permitted by the state of Wisconsin:

a. Residential care center. A facility where 4 or more children reside and are provided with care and maintenance for no more than 75 days each in any consecutive 12-month period by persons other than a relative or guardian. The term does not include educational institutions, public agencies, hospitals, maternity homes, nursing homes, sanitariums, foster homes, shelter care facilities, prisons, jails or institutions for children with mental health disabilities having a capacity of less than 150 children.

b. Community-based residential facility. A facility where 5 or more adults not related to the operator reside and are provided with care, treatment or services above the level of room and board but less than nursing care. Such care shall include supportive home care service unless contraindicated by the facility program, and may also include 7 hours or less of prescribed personal care service per week, per resident. This term does not include nursing homes, prisons, jails, correctional facilities, convents or facilities owned or operated exclusively by and for members of a religious order, or educational institutions and related student housing.

114. CONCRETE/BATCH PLANT, PERMANENT. See MANUFACTURING, HEAVY.

115. CONCRETE/BATCH PLANT, TEMPORARY means a temporary facility that produces or processes concrete or asphalt only for use in a particular construction project and only for the duration of that project.

117. CONFORMING USE means any of the following:

a. A use which is currently classified as a permitted use in the zoning district in which it is located.

b. A use which is currently classified as a limited use in the zoning district in which it is located and has received approval from the commissioner.

c. A use which is currently classified as a special use in the zoning district in which it is located and has received special use approval from the board.

d. A use for which the board has granted a variance.

119. CONSTRUCT or CONSTRUCTION means the erection of a new structure or an addition to a structure.

121. CONTIGUOUS means land abutting other land which is not separated by streets, ways, pipelines, electric power lines, conduits or rights-of-way owned by other persons.

123. CONTRACTOR'S SHOP means an establishment used for the indoor repair, maintenance or storage of a contractor's vehicles, equipment or materials, and may include the contractor's business office.

125. CONTRACTOR'S YARD means an establishment used for the outdoor repair, maintenance or storage of a contractor's vehicles, equipment or materials.

127. CONVENT, RECTORY OR MONASTERY means a building used to house the staff of a church or the members of a religious order.

129. CONVENTION AND EXPOSITION CENTER means a commercial facility used for assemblies or meetings of the members or representatives of groups, including exhibition space. This term does not include banquet halls, clubs, lodges or other meeting facilities of private or nonprofit groups that are primarily used by group members.

131. CORRECTIONAL FACILITY means a correctional institution established under s. 301.13, Wis. Stats., or a state prison established under ch. 302, Wis. Stats.

132. CRAWLWAY or CRAWL SPACE means an enclosed area below the first usable floor of a building, generally less than 5 feet in height, used for access to plumbing and electrical utilities.

133. CULTURAL INSTITUTION means an institution that displays or preserves objects of interest to the arts or sciences. This term includes, but is not limited to, a museum, art gallery, aquarium or planetarium.

135. CURRENCY EXCHANGE means, in accordance with s. 218.05, Wis. Stats., any person except banks incorporated under the laws of this state and national banks organized pursuant to the laws of the United States and any credit union operating under ch. 186, Wis. Stats., which obtains a certificate of authority from the Wisconsin commissioner of credit unions, engaged in the business of and providing facilities for cashing checks, drafts, money orders and all other evidences of money acceptable to such community currency exchange for a fee, service charge or other consideration. This term does not include any person engaged in the business of transporting for hire, bullion, currency, securities, negotiable or nonnegotiable documents, jewels or other property of great monetary value nor any person engaged in the business of selling tangible personal property at retail nor any person licensed to practice a profession or licensed to engage in any business in this state, who in the course of such business or profession and, as an incident thereto, cashes checks, drafts, money orders or other evidences of money.

137. DAY CARE CENTER means an establishment in which the operator is provided with compensation in return for providing individuals with care for less than 24 hours at a time. This term includes, but is not limited to, a day nursery, nursery school, adult day care center or other supplemental care facility. This term also includes a family day care home in which the operator does not reside.

138. DECK means an unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

139. DEPARTMENT means the department of city development, unless otherwise specified.

141. DEPTH OF LOT means the distance from the front lot line to the rear lot line, measured in the general direction of the side lines of a lot.

143. DEVELOPMENT means any man-made modification to real estate, including construction or alteration of structures, repair of damaged structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storing, depositing or extracting materials or equipment, and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

144. DISABLED PERSON means a person who is or will be housed in a community living arrangement or other group living facility required to be licensed by the state of Wisconsin and who falls into one or more of the following client groups:

- a. Advanced age.
- b. Irreversible dementia/Alzheimer's disease.
- c. Developmental disability.
- d. Emotionally disturbed/mental illness.
- e. Physical disability.
- f. Terminal illness.

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- g. Traumatic brain injury.
 - h. Acquired immunodeficiency syndrome (AIDS).
 - i. Alcohol or other drug abuse.
 - j. Any other physical or mental impairment which substantially limits one or more of such person's major life activities, or a record of having such an impairment, provided the impairment is not related to current, illegal use of, or an addiction to, a controlled substance.
- 145.** DISPLAY AREA. See s. 295-205.
- 147.** DORMITORY means a building used as group living quarters for students associated with a college, university, boarding school, orphanage or similar institution.
- 149.** DRAINAGE SYSTEM means one or more artificial ditches, tiles, drains or similar devices which collect water and convey it to a point of discharge.
- 151.** DRIVE-THROUGH FACILITY means a facility which is used for dispensing services or products to customers in motor vehicles. Such facility may include access lanes, signing, lighting and audio systems. This term does not include a drive-in theater.
- 153.** DRY CLEANING ESTABLISHMENT means an establishment which launders or dry cleans articles dropped-off on the premises directly by the customer or where articles are dropped off, sorted and picked up but where laundering or cleaning is done elsewhere.
- 154.** DRYLAND ACCESS means a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- 155.** DUPLEX. See TWO-FAMILY DWELLING.
- 157.** DWELLING means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants, excluding any commercial lodging facility.
- 159.** DWELLING UNIT means any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit providing complete, independent facilities which are used by one family for living, sleeping, cooking, eating and sanitation.
- 161.** EASEMENT means any portion of a parcel subject to an agreement between the property owner and another person which grants the other person the right to make use of that portion of the property for a specified purpose.
- 163.** EMERGENCY RESIDENTIAL SHELTER means a facility, other than a community living arrangement, that provides short-term housing and a protective sanctuary for victims of fire, natural disaster, economic hardship, crime, abuse or neglect, including emergency housing during crisis intervention for victims of rape, child abuse or physical beatings, and which contains individual or group sleeping rooms and may or may not have food preparation facilities and private shower or bath facilities.
- 164.** ENCROACHMENT INTO THE FLOODWAY means any fill, structure, equipment, building, use or development in the floodway.
- 165.** ENLARGEMENT means an increase in the floor area, bulk or dimensions of a structure or of the portions of a site devoted to a use.
- 167.** ENVIRONMENTAL CONTROL FACILITY means any facility which is used to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed to supplement or replace facilities not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.
- 169.** EQUAL DEGREE OF HYDRAULIC ENCROACHMENT means the effect of any encroachment into the floodway as computed by assuming an equal degree of hydraulic encroachment on the other side of a river or stream for a significant hydraulic reach in order to compute the effect of the encroachment upon hydraulic conveyance. This computation assures that property owners up, down or across the river or stream will have the same rights of hydraulic encroachment.
- 171.** EQUAL DEGREE OF HYDROLOGIC ENCROACHMENT means the effect of any development on the storage capacity of a floodplain area, particularly upstream from urban areas, as analyzed assuming an equal loss of flood storage for all property owners and subdivided lots in the storage area of a floodplain on both sides of a river or stream for a significant hydrologic reach.

172. EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means a parcel of land, divided into 2 or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before December 30, 2005. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

172.5. EXPANSION TO EXISTING MANUFACTURING HOME PARK means the preparation of additional sites for an existing manufactured home park or subdivision by the construction of facilities for servicing the lots on which the manufactured homes are to be placed. This includes installation of utilities, construction of streets and either final site grading or the pouring of concrete pads.

173. EXTENSION means an increase in the amount of floor area devoted to a use within a structure or an increase in the land area devoted to a use.

175. FAÇADE means all wall planes of a building which are visible from one side or perspective.

177. FAÇADE, FRONT means those portions of a façade which face and are most closely parallel to the front lot line.

179. FAÇADE, STREET means those portions of a façade which face and are most closely parallel to a street lot line.

181. FAMILY means a single person or group of persons who are related by blood, marriage, adoption or affinity and live together in a stable family relationship.

183. FAMILY DAY CARE HOME means a dwelling unit licensed as a family day care center by the Wisconsin department of health and family services under s. 48.65, Wis. Stats., and ch. DCF 250, Wis. Admin. Code, or certified as a day care center by Milwaukee county, where care is provided for not more than 8 children at any given time. A family day care home is typically the primary residence of its operator.

185. FENCE means a structure composed of posts, boards, pickets or chain link which are fabricated from masonry, wood, metal or other rigid materials and intended to provide a visual screen or a separation of properties or uses.

187. FESTIVAL GROUNDS means an outdoor facility, including accessory buildings and structures, used primarily for the accommodation of periodic or seasonal cultural or entertainment programs or events.

189. FILLING STATION means an establishment providing retail sale of fuel for motor vehicles, but not motor vehicle maintenance or repair. This term includes accessory retail sales, commonly referred to as a convenience store, but does not include a fast-food/carry-out restaurant.

191. FIXED HOUSEBOAT means a floating structure which extends beyond the ordinary high water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

193. FLAG means an exhibit made of flexible material which is mounted on a pole and which represents or symbolizes an organization, group, cause, event, activity or unit of government.

195. FLOOD or FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- a. The overflowing or rising of inland waters.
- b. The rapid accumulation or runoff of surface waters from any source.
- c. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan.
- d. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm or an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

196. FLOOD FREQUENCY means the probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percentage chance of occurring in any given year.

197. FLOOD FRINGE means that portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood. It is generally associated with standing water rather than rapidly flowing water.

198. FLOOD HAZARD BOUNDARY MAP means a map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the national flood insurance program until superseded by a flood insurance study and a flood insurance rate map.

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198.5. FLOOD INSURANCE RATE MAP means a map of a community on which the federal insurance administration has delineated both special flood hazard areas and the risk premium zones applicable to the community, and which can only be amended by the federal emergency management agency.

199. FLOOD INSURANCE STUDY means a technical engineering examination, evaluation and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood insurance rate maps that accompany the flood insurance study form the basis for both the regulatory and the insurance aspects of the national flood insurance program.

201. FLOODPLAIN means land which has been or may be covered by flood water during the regional flood. It includes the floodway and the flood fringe, any may include other designated floodplain areas for regulatory purposes.

202. FLOODPLAIN ISLAND means a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

202.5. FLOODPLAIN MANAGEMENT means policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education and administration and enforcement of floodplain regulations.

203. FLOOD PROFILE means a graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

205. FLOODPROOFING means any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage, as further described in s. 295-1011-14.

207. FLOOD PROTECTION ELEVATION means an elevation of 2 feet of freeboard above the water surface profile elevation designated for the regional flood.

209. FLOOD, REGIONAL means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every 100 years.

210. FLOOD STORAGE means those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

211. FLOODWAY means the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

213. FLOOR AREA. See s. 295-205.

215. FLOOR AREA, GROSS. See s. 295-205.

217. FLOOR AREA PREMIUM means additional floor area allowed as a bonus in certain zoning districts.

219. FLOOR AREA RATIO. See s. 295-205.

221. FORMER CODE means ch. 295 in existence as of the September 30, 2002.

223. FOSTER HOME means either of the following facilities, licensed by either the state of Wisconsin, a county agency or a child welfare agency, where children reside and are provided with care and maintenance by persons other than a relative or guardian:

a. Foster family home. A facility which houses from one to not more than 4 children and is the primary dwelling of a foster parent.

b. Small foster home. A facility which houses from one to not more than 4 children and is operated by a corporation, child welfare agency, association, public agency or religious affiliation.

225. FRATERNITY means a building used as group living quarters for members of a general or local chapter of a regularly organized college fraternity.

226. FREEBOARD means a safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

227. FREEWAY means a highway with full control of access and with all crossroads separated in grade from the lanes used for through traffic.

229. FUNERAL HOME means an establishment providing services involving the care, preparation or disposition of human dead. This term includes, but is not limited to, a crematorium or a mortuary.

231. FURNITURE AND APPLIANCE RENTAL AND LEASING means an establishment providing the rental or leasing of furniture, electronics, small appliances, major appliances or other household items. This term includes incidental storage and maintenance of such items.

233. GAMING FACILITY means a commercial facility where patrons wager money on the outcome of a game, including, but not limited to, a card game or a slot machine.

235. GARAGE, PRIVATE RESIDENTIAL means a structure which is accessory to a residential building and which is used for the parking or storage of light motor vehicles owned by a resident of the principal residential building, and which is not a separate commercial enterprise available to the general public.

237. GARDEN SUPPLY OR LANDSCAPING CENTER means an establishment providing the retail sale of plants and the sale or rental of garden and landscape materials and equipment. This term includes outdoor storage of plants, materials or equipment.

239. GENERAL OFFICE means use of a building for business, professional or administrative office. A general office is characterized by a low proportion of vehicle trips attributable to visitors or clients in relationship to employees. Examples include, but are not limited to, offices of firms or organizations providing architectural, computer software consulting, data management, engineering, interior design, graphic design, real estate, insurance, investment or legal services. This term does not include a bank or other financial institution or the office of a physician, dentist, optometrist or chiropractor.

241. GOVERNMENT OFFICE means an administrative, clerical or public contact office of a government agency, including a postal facility, together with incidental storage and maintenance of the agency's vehicles.

243. GROUND TRANSPORTATION SERVICE means an establishment providing the storage, maintenance or dispatching of:

- a. Taxicabs, limousines or other public passenger vehicles, as defined in s. 100-3-21.
- b. Vehicles licensed or otherwise regulated as human service vehicles by the state of Wisconsin and used for the transportation of elderly or handicapped persons.
- c. School buses, as described in s. 341.26(2)(d) and (dm), Wis. Stats.
- d. Tow trucks, as defined in s. 340.01(67n), Wis. Stats.

245. GROUP HOME OR GROUP FOSTER HOME means a facility, licensed by the state of Wisconsin under s. 48.625, Wis. Stats., where 5 to 8 foster children reside and are provided with care and maintenance by persons other than a relative or guardian.

246. HABITABLE STRUCTURE means any structure or portion thereof used or designed for human habitation.

247. HALFWAY HOUSE. See COMMUNITY LIVING ARRANGEMENT.

249. HEALTH CLINIC means a group of associated offices for 4 or more physical or mental health care professionals who provide specialized diagnostic, testing, physical therapy or treatment services, including clerical and administrative services, to persons for periods of less than 24 hours. This term does not include a medical office or hospital.

251. HEALTH CLUB means an establishment for the conduct of indoor sports and exercise activities, along with related locker and shower rooms, offices and classrooms, where use of such establishment is offered on a membership basis.

252. HEARING NOTICE means publication or posting meeting the requirements of ch. 985, Wis. Stats., as amended. For appeals, a class 1 notice, published at least 7 days before the hearing, is required. For all zoning map and text amendments, a class 2 notice, published twice, once each week consecutively, the last at least 6 days before the hearing is required.

253. HEAVY MOTOR VEHICLE means any construction or agricultural equipment, van used for commercial purposes, truck used for commercial purposes or having a cargo capacity or more than 1.5 tons, boat exceeding 20 feet in length or recreational vehicle exceeding 3 tons in weight, 20 feet in length or having more than 6 wheels.

255. HEAVY MOTOR VEHICLE BODY SHOP means an establishment providing the repair or rebuilding of heavy motor vehicle bodies by the replacement, smoothing, sanding or painting of the exterior surfaces of such vehicles within an enclosed building.

257. HEAVY MOTOR VEHICLE OUTDOOR STORAGE means the outdoor storage of operable heavy motor vehicles for more than 48 hours. This term does not include a surface parking lot, material reclamation facility, outdoor salvage operation or outdoor storage facility.

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259. HEAVY MOTOR VEHICLE PARKING LOT, ACCESSORY USE means surface parking spaces for 5 or more heavy motor vehicles, along with adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of such vehicles is not the principal use of the premises. This term does not include commercial parking operations, which are a principal use, or parking lots that are used exclusively for the parking of light motor vehicles.

261. HEAVY MOTOR VEHICLE PARKING LOT, PRINCIPAL USE means surface parking spaces for 5 or more heavy motor vehicles, along with adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of such vehicles is the principal use of the premises. This term includes both commercial parking operations and private surface parking lots, but does not include parking lots that are used exclusively for the parking of light motor vehicles.

263. HEAVY MOTOR VEHICLE RENTAL FACILITY means an establishment where contracts are prepared or reservations accepted for the rental or leasing of heavy motor vehicles. This term includes incidental storage of vehicles, but does not include on-premise maintenance of vehicles or a tool/equipment rental facility.

265. HEAVY MOTOR VEHICLE REPAIR FACILITY means an establishment providing the repair or servicing of heavy motor vehicles, including the sale, installation and servicing of related equipment and parts, where all such work is performed within an enclosed building. This term includes, but is not limited to, the repair or servicing of batteries, tires, mufflers, brakes, shocks, transmissions, engines or upholstery. This term does not include vehicle dismantling or salvage, tire retreading or recapping, or body bumping and painting.

267. HEAVY MOTOR VEHICLE SALES FACILITY means an establishment providing retail sale of heavy motor vehicles, including incidental storage and maintenance

269. HEIGHT, BUILDING. See s. 295-205.

271. HEIGHT, SIGN. See s. 295-205.

273. HEIGHT, TRANSMISSION TOWER. See s. 295-205.

275. HELICOPTER LANDING FACILITY means a facility used for the takeoff and landing of helicopters, including, but not limited to, any heliport, helipad or helistop. Accessory features such as hangars, parking pads, terminals and service areas are also part of such a facility.

276. HIGH FLOOD DAMAGE POTENTIAL means damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

276.5. HISTORIC STRUCTURE means a structure that is any of the following:

a. Listed individually in the national register of historic places or preliminarily determined by the United States secretary of the interior as meeting the requirements for individual listing on the national register.

b. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district.

c. Designated as an historic structure by the common council pursuant to the provisions of s. 308-81.

277. HOME IMPROVEMENT CENTER means an establishment providing the sale or rental of building supplies, construction equipment or home decorating fixtures and accessories. This term includes a lumber yard or a contractors' building supply business and may include outdoor storage or tool and equipment sales or rental. This term does not include an establishment devoted exclusively to the retail sale of paint, wallpaper or hardware or activities classified under vehicle/equipment sales and services, including vehicle towing services.

279. HOME OCCUPATION means an activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit.

281. HOOD means a rigid, roof-like structure which affords shelter to a doorway or window, is attached to the exterior walls of a structure, and which has a top surface that is flat or slopes toward such structure. This term includes structures commonly referred to as "marquees." See also AWNING.

283. HOSPITAL means a state-licensed institution providing primary health services and medical, psychiatric or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other physical or mental conditions, and, as an integral part of the institution, related accessory uses or facilities, including, but not limited to, laboratories, central service facilities for inpatient or outpatient treatment, as well as training, research and administrative services for patients

and employees. Also included are health services and care, and services and functions which support health services and care, which are shared with other hospitals or other health care providers.

285. HOSTEL. See HOTEL, COMMERCIAL.

287. HOTEL means an establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants, bars and recreational facilities.

289. HOTEL, COMMERCIAL means a hotel in which at least 5 rooms or units or at least 70% of the accommodations, whichever is greater, are regularly used or available for occupancy for periods of less than 30 days or are available for more than 30 days but are not the primary residences of the occupants. This classification includes, but is not limited to, a motor lodge, motel or extended-stay hotel.

291. HOTEL, RESIDENTIAL means a hotel in which at least 70% of the accommodations are regularly used or available for occupancy of continuous periods of 30 days or more by persons who use the hotel as their primary residence.

293. HOUSEHOLD GOODS means products used in the home which are necessary for or supplemental to normal household activities, including small appliances but excluding furniture and major appliances.

295. HOUSEHOLD MAINTENANCE AND REPAIR SERVICE means an establishment providing the repair or servicing of household goods, furniture, appliances or lawn and garden equipment.

297. HYDRAULIC REACH means that portion of a river or stream extending from one significant change in the hydraulic character of the river or stream to the next significant change. These changes are usually associated with breaks in the slope of the water surface profile, and may be caused by bridges, dams, expansion and contraction of the water flow, and changes in stream bed slope or vegetation.

299. HYDROLOGIC REACH means a designated length of river, stream or lake where the storage of flood waters therein has been taken into account to reduce the regulatory flood discharge. Major man-made or natural changes in the river character, limits of political jurisdiction or a change in the flood-routing technique used to determine the storage and translation of a flood wave through the area of interest may be used to define the end of a hydrologic reach.

301. IMPERVIOUS SURFACE means a surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes semi-impervious surfaces such as compacted clay, as well as conventional street and alley surfaces, roofs, sidewalks, parking lots and similar improvements.

302. INCREASE IN REGIONAL FLOOD HEIGHT means a calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

302.5. INSTALLMENT LOAN AGENCY means an establishment providing personal loans of up to \$1,000 that have terms of not less than 31 days and not more than one year and are repaid through cash payments, wage assignments, current-dated or post-dated checks, or automatic checking account withdrawals. This term shall not include any establishment that offers payday loans, title loans or the cashing of checks or money orders; such establishment shall be classified as a payday loan agency, title loan agency or currency exchange, respectively.

303. INTENSIFY means to alter the character of a use to the extent that the use generates new or different impacts on the health, safety or welfare of the surrounding neighborhood, including but not limited to the level or amount of traffic, noise, light, smoke, odor, vibration, outside storage or other similar conditions associated with the use.

305. KENNEL. See ANIMAL BOARDING FACILITY.

307. LABORATORY. See MEDICAL RESEARCH LABORATORY or RESEARCH AND DEVELOPMENT.

309. LANDSCAPE MATERIALS means living trees, shrubs and ground cover, fences and other similar natural and decorative features.

311. LANDSCAPE PLAN means a plan associated with a subdivision, land development or parking facility plan indicating the placement of landscape materials, including specifications, species, quantities and method of installation.

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- 312.** LAND USE means any nonstructural use made of unimproved or improved real estate.
- 313.** LAUNDROMAT means an establishment providing washing, drying or dry cleaning machines on the premises for rental use by the general public for laundering or dry cleaning purposes.
- 315.** LAUNDRY. See DRY CLEANING ESTABLISHMENT.
- 316.** LETTER OF MAP AMENDMENT means an official notification from the federal emergency management agency stating that a flood hazard boundary map or a flood insurance rate map has been amended.
- 316.5.** LETTER OF MAP REVISION BASED ON FILL means an official notification from the federal emergency management agency indicating that a structure or parcel has been elevated on fill to an elevation at or above the regional flood elevation and is, therefore, excluded from being located in the floodplain as initially denoted on the city's flood hazard boundary map or flood insurance rate map.
- 317.** LIBRARY means a public, nonprofit facility in which literary, musical, artistic or reference materials such as, but not limited to, books, manuscripts, computers, recordings or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.
- 319.** LIGHT MOTOR VEHICLE means any motor vehicle used primarily for recreational or personal purposes, including but not limited to an automobile, van, sports-utility vehicle, truck with a cargo capacity of 1.5 tons or less, motorcycle, boat not exceeding 20 feet in length or recreational vehicle not exceeding 3 tons in weight, 20 feet in length or having more than 6 wheels.
- 321.** LIGHT MOTOR VEHICLE BODY SHOP means an establishment providing the repair or rebuilding of light motor vehicle bodies by the replacement, smoothing, sanding or painting of the exterior surfaces of such vehicles within an enclosed building.
- 325.** LIGHT MOTOR VEHICLE OUTDOOR STORAGE means the outdoor storage of operable light motor vehicles for more than 48 hours. This term does not include a surface parking lot, material reclamation facility, outdoor salvage operation or outdoor storage facility.
- 327.** LIGHT MOTOR VEHICLE RENTAL FACILITY means an establishment where contracts are prepared or reservations accepted for the rental or leasing of light motor vehicles. This term includes incidental storage of vehicles, but does not include on-premise maintenance of vehicles or a tool/equipment rental facility.
- 329.** LIGHT MOTOR VEHICLE REPAIR FACILITY means an establishment providing the repair or servicing of light motor vehicles, including the sale, installation and servicing of related equipment and parts, where all such work is performed within an enclosed building. This term includes, but is not limited to, the repair or servicing of batteries, tires, mufflers, brakes, shocks, transmissions, engines or upholstery. This term includes, but is not limited to, an auto repair shop, wheel and brake shop, tire sales and installation, or upholstery shop. This term does not include vehicle dismantling or salvage, tire re-treading or recapping, or body bumping and painting.
- 331.** LIGHT MOTOR VEHICLE SALES FACILITY means an establishment providing retail sale of light motor vehicles, including incidental storage and maintenance. This term does not include a light motor vehicle wholesale facility.
- 332.** LIGHT MOTOR VEHICLE WHOLESALE FACILITY means an office for wholesale trade in light motor vehicles.
- 333.** LIMITED USE means a use which is generally compatible with permitted uses in a given zoning district, but has operating or physical characteristics that require certain conditions be placed on the use.
- 335.** LIVE ENTERTAINMENT SPECIAL EVENT means a concert, carnival, circus, fair or similar event lasting less than 15 days.
- 337.** LIVE-WORK UNIT means a dwelling unit used for both dwelling purposes and any non-residential use permitted in the zoning district in which the unit is located, provided that not more than 2 persons who do not reside in the unit are employed on the premises.
- 339.** LOT means a platted lot of a recorded subdivision or certified survey map or a lot created as otherwise provided by law to be used as a single parcel.
- 341.** LOT AREA means the land area of a lot, measured in square feet.
- 343.** LOT, CORNER means a lot abutting 2 or more streets at their intersection, or 2 parts of the same street forming an interior angle of less than 135 degrees.
- 345.** LOT COVERAGE means the area of a site, expressed as a percentage, covered by a principal building, but excluding decks less than 3 feet in height above grade and projecting eaves, balconies, stairs and similar features.

- 347.** LOT, INTERIOR means a lot other than a corner lot.
- 349.** LOT LINE means a line dividing one lot from an adjoining lot, public place, or public right-of-way, including any of the following:
- a. Front Lot Line. The street frontage shall be the front lot line. On a corner lot, the front lot line shall be along the same street as the front lot line of the immediately adjacent interior lot. When a corner lot is immediately adjacent to 2 or more interior lots, the street frontage with the smallest dimension shall be the front lot line.
 - b. Interior Lot Line. A side lot line that is not also a street lot line.
 - c. Rear lot line. The lot line most closely opposite the front lot line. A triangular lot has 2 side lot lines but no rear lot line. For any other irregularly-shaped lot, the rear lot line is any lot line that is nearly opposite the front lot line. An irregularly-shaped lot may have more than one rear lot line.
 - d. Side lot line. Any lot line that is neither a front nor a rear lot line.
 - e. Street lot line. Any lot line that is also a street right-of-way line.
- 351.** LOT SIZE REQUIREMENT means the lot area and lot width requirements of the applicable zoning district.
- 353.** LOT, THROUGH means a lot, other than a corner lot, having frontage on 2 streets.
- 355.** LOT WIDTH means the distance between a side lot line and another side lot line or a side street lot line, measured at the front setback.
- 357.** LUMBER YARD. See HOME IMPROVEMENT CENTER.
- 359.** MALL means an interior, multi-story open space completely enclosed within a building and open to the public.
- 360.** MANUFACTURED HOME means a structure which is transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to required utilities. This term includes a mobile home, but does not include a mobile recreational vehicle.
- 361.** MANUFACTURING, HEAVY means an establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its property line. This term includes, but is not limited to:
- a. Processing and packaging of alcohol beverages.
 - b. Chemical manufacturing.
 - c. Stonework or concrete product manufacturing.
 - d. Fabrication of metal products.
 - e. Manufacturing of agricultural, construction or mining machinery.
 - f. Motor vehicle manufacturing.
 - g. Lumber milling.
 - h. Ship or boat construction.
 - i. Permanent concrete/batch plant.
- 363.** MANUFACTURING, INTENSE means an establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, where such activity involves the use or production of explosives, highly flammable liquids or gases, or toxic or hazardous materials or produces toxic, hazardous or noxious odors, fumes or dust. This term includes, but is not limited to:
- a. Animal or poultry slaughter or auction facility.
 - b. Leather tannery.
 - c. Distillery of products for finishes.
 - d. Explosives manufacturer.
 - e. Sawmill.
 - f. Paper or pulp mill.
 - g. Steel mill.
 - h. Petroleum refinery.
 - i. Petrochemical plant.
 - j. Ore smelting facility.

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365. MANUFACTURING, LIGHT means an establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. This term includes, but is not limited to, a business engaged in the processing, fabrication, assembly, treatment or packaging of food, textile, leather, wood, paper, chemical, plastic or metal products, but does not include basic industrial processing from raw materials.

367. MARINA means a facility providing mooring of recreational boats in water, or piers, anchorage areas, launching facilities, boat storage areas or boat sales and service. This term does not include a ship terminal or docking facility or a passenger terminal.

369. MATERIAL RECLAMATION FACILITY means an establishment engaged in processing and wholesaling scrap from automobiles, concrete, asphalt or industrial or other non-consumer recyclable materials. This term includes, but is not limited to, an auto wrecker primarily engaged in dismantling motor vehicles for the purpose of wholesaling scrap.

371. MEDICAL OFFICE means an establishment providing diagnostic and outpatient medical care on a routine basis, but which is unable to provide prolonged inpatient medical or surgical care. Such facility may be staffed by up to 3 doctors, dentists, ophthalmologists, optometrists, chiropractors, physical therapists or similar practitioners licensed for practice by the state. This term includes a medical or dental laboratory incidental to the medical office use. See also HEALTH CLINIC.

373. MEDICAL RESEARCH LABORATORY means an establishment providing medical or dental laboratory services or photographic, analytical or testing services for medical or medical research purposes. This term does not include a research and development facility that primarily serves an educational or industrial establishment.

375. MEDICAL SERVICE FACILITY means an establishment operated such that physicians are present during less than 50 percent of normal business hours and which provides medical services for the specialized diagnosis, testing and treatment of alcoholism, chemical substance abuse, mental illness or sexually transmitted diseases. This term includes, but is not limited to, a facility offering methadone treatment programs, a prison parole or probation drug treatment distribution center, or a facility where components of human blood are removed and purchased for use in research or the manufacture of consumer or industrial products.

377. MIXED-WASTE PROCESSING FACILITY means an establishment engaged in the processing, separating and sorting of recyclable materials from non-hazardous waste streams or from commingled consumer recyclable materials, such as paper, plastics, beverage cans or household metals.

379. MOBILE HOME means a manufactured building built on a chassis and transported to a site, with or without wheels, axles, hitches or other appurtenances of mobility and regardless of the type of foundation.

381. MOBILE HOME PARK means a lot or tract of land used as the site of occupied mobile homes, including any structure, vehicle or equipment accessory to the mobile home park.

382. MOBILE RECREATIONAL VEHICLE means a vehicle which is built on a single chassis, measures 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, licensed for highway use if registration is required and designed primarily for use not as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. This term does not include a manufactured home that was towed or carried onto a parcel of land but does not remain capable of being towed or carried, including parked model homes.

383. MOTEL. See HOTEL.

385. MOTOR VEHICLE means any trailer or motorized vehicle, including but not limited to any automobile, truck, motorcycle, boat, snowmobile or recreational vehicle. See also HEAVY MOTOR VEHICLE and LIGHT MOTOR VEHICLE.

387. MULTI-FAMILY DWELLING means a building containing more than 2 dwelling units.

389. MULTIPLE PRINCIPAL RESIDENTIAL BUILDINGS means use of a site for more than one principal residential building.

390. NATIONAL GEODETIC VERTICAL DATUM means elevations referenced to mean sea level datum, 1929 adjustment.

391. NAVIGABLE WATERS means Lake Michigan, all natural inland lakes within Milwaukee, and all streams, ponds, sloughs, flowages and waters within the city which are navigable under the laws of Wisconsin.

392. NEW CONSTRUCTION means, for floodplain management purposes, a structure for which the start of construction commenced on or after December 30, 2005, and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, this term includes any structure for which the start of construction occurred on or after the effective date of an initial flood insurance rate map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structure.

393. NONCONFORMING means legally established but no longer conforming with the regulations of this chapter.

395. NONCONFORMING PROHIBITED USE means a use which was legally established but which is no longer classified as a permitted use or no longer classified as a special use in the zoning district in which it is located.

397. NONCONFORMING SITE FEATURE means a site improvement which was legally established but no longer conforms with the regulations of this chapter.

399. NONCONFORMING SPECIAL USE means a use which was legally established, at a later date became classified as a special use in the zoning district in which it is located, and which has not received special use approval from the board.

401. NONCONFORMING STRUCTURE means, except in s. 295-415-9, a structure which was legally constructed but which no longer complies with the dimensional requirements of the zoning district in which it is located. In s. 295-415-9, "nonconforming structure" means an existing lawful structure or building which is not in conformity with the dimensional or structural requirements of s. 295-1011 for the area of the floodplain which it occupies.

402. NONCOMFORMING USE means, in s. 295-415-9, an existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of s. 295-1011 for the area of the floodplain which it occupies. In all other sections, "nonconforming use" shall have the meaning established in subs. 393, 395 or 399, as applicable.

403. NORMAL HIGH WATER MARK means the line where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

405. NURSERY SCHOOL. See DAY CARE CENTER.

407. NURSING HOME means a place where 5 or more persons who are not related to the operator or administrator reside, receive care or treatment and, because of their mental or physical condition, require access to 24-hour nursing services, including limited nursing care, intermediate level nursing care and skilled nursing services, as defined in s. 50.01, Wis. Stats.

408. OBSTRUCTION TO FLOW means any development which blocks the conveyance of floodwaters such that this development, alone or together with any future development, will cause an increase in regional flood height.

408.5. OFFICIAL FLOODPLAIN ZONING MAP means all panels of the flood insurance rate map applicable to the city of Milwaukee, with corresponding profiles that are based on flood insurance studies which have been approved by the Wisconsin department of natural resources and the federal emergency management agency.

409. OFFICIAL LETTER OF MAP AMENDMENT means official notification from the federal insurance administration that a flood hazard boundary map or flood insurance rate map has been amended.

411. OPACITY means the screening effectiveness of a buffer-yard or fence expressed as the percentage of vision that the screen blocks.

413. OPEN SPACE, SURFACE means the at-grade area of any site or development site not covered by structures or devoted to vehicular use.

415. OPEN SPACE, USABLE means a common or private outdoor area at grade level or on a roof, porch, deck, court or balcony or any combination thereof, designed for outdoor living, recreation or landscaping with a minimum horizontal dimension of 6 feet. Open space with a horizontal dimension less than 6 feet or a total area of less than 60 square feet is not considered usable.

416. OPEN SPACE USE means a use having a relatively low flood damage potential and not involving structures.

417. ORDINARY-HIGH WATER MARK means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic.

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419. OUTDOOR MERCHANDISE SALES means retail sale of produce, other foodstuffs or any of the products listed in sub. 505, primarily outside an enclosed structure, for more than 90 days in any calendar year. This term shall not include a motor vehicle sales facility, garden supply or landscaping center, lumber yard, building supply or home improvement center, or Christmas tree lot.

421. OUTDOOR RACING FACILITY means an establishment engaged in operating a track for racing, including but not limited to the racing of motor vehicles, dogs or horses.

423. OVERLAY ZONE means an area where certain additional requirements are superimposed upon a base zoning district or underlying district and where the requirements of the base or underlying district may or may not be altered.

425. PARCEL. See LOT.

427. PARK OR PLAYGROUND means a public, noncommercial park, playground or open space. This term does not include a community center, festival grounds, indoor or outdoor recreation facility or sports facility.

429. PARKING LOT, ACCESSORY USE means surface parking spaces for 5 or more light motor vehicles, and adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of motor vehicles is not the principal use of the premises. This term does not include commercial parking operations, which shall be considered a principal use, or the parking of heavy motor vehicles, but does include outdoor operating areas of light motor vehicle-oriented uses, such as filling stations, car washes and drive-through facilities.

431. PARKING LOT, PRINCIPAL USE means surface parking spaces for 5 or more light motor vehicles, and adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of motor vehicles is the principal use of the premises. This term includes both commercial parking operations and private surface parking lots, but does not include the parking of heavy motor vehicles.

433. PARKING SPACE means an area set aside, designated and of sufficient size for the parking of one automobile, van, sport-utility vehicle or truck with a cargo capacity of 1.5 tons or less, but does not include a designated motorcycle parking space.

435. PARKING SPACE, OFF-STREET means any parking space that is located on the same premises as the use it serves and is not located on public right-of-way.

437. PARKING STRUCTURE, ACCESSORY USE means parking spaces and adjacent access drives, aisles and ramps that are located in a structure with 2 or more levels, where the parking structure is not the principal use of the premises. This term does not include private one-story garages for single-, 2- or multi-family dwellings but does include parking spaces that are integrated into a larger structure that houses the principal use of the premises.

439. PARKING STRUCTURE, PRINCIPAL USE means parking spaces and adjacent access drives, aisles and ramps that are located in a structure with 2 or more levels, where the parking structure is the principal use of the premises. This term includes commercial parking operations as well as private parking structures. This term does not include private one-story garages for single-, 2- or multi-family dwellings.

441. PASSENGER TERMINAL means a facility for passenger transportation operations, including but not limited to a passenger rail station, bus terminal or passenger ship terminal. This term does not include an airport or heliport.

443. PAWN SHOP. See SECONDHAND STORE.

445. PAYDAY LOAN AGENCY means an establishment providing loans to individuals in exchange for personal checks as collateral.

447. PEDESTRIAN LINK means a clearly defined pedestrian walkway between the public sidewalk and a building entrance.

449. PERSON means any individual, partnership, firm, organization, association, corporation or limited liability company, its agents or assigns or other legal entity capable of holding either legal or equitable title to real property.

451. PERSONAL SERVICE ESTABLISHMENT means an establishment providing services which are of a recurring and personal nature to individuals. This term includes, but is not limited to, a barber shop, beauty salon, shoe repair shop, seamstress, tailor, fortune teller, tanning salon, massage establishment, body piercing establishment or tattoo establishment. This term does not include a portrait studio, dry cleaning establishment, laundromat, photocopy center, health club or repair shop for household items.

- 453.** PET SHOP. See RETAIL ESTABLISHMENT, GENERAL.
- 455.** PLANT NURSERY OR GREENHOUSE means an establishment engaged in growing crops of any kind within or under a greenhouse, cold frame, cloth house or lath house, or growing nursery stock, annual or perennial flowers, vegetables or other garden or landscaping plants. This term does not include a garden supply or landscaping center.
- 457.** PLAZA means an exterior open space which is open to the public and located between a building and a public street or pedestrian walkway.
- 459.** POWER GENERATION PLANT means a facility that converts one or more energy sources, including but not limited to water power, fossil fuels, nuclear power or solar power, into electrical energy or steam. A power generation plant may also perform either or both of the following:
- a. Operation of a transmission system that conveys the energy or steam from the generation facility to a power distribution system.
 - b. Operation of a distribution system that conveys energy or steam from the generation facility or the transmission system to final consumers.
- 461.** PREMISES means one or more lots or portions of lots, including any structures, which are contiguous, under common ownership or control through the use of a permanent deed restriction or a certified survey map, and located entirely within one base zoning district.
- 463.** PRINCIPAL BUILDING or PRINCIPAL STRUCTURE means a building or structure containing the principal use of the lot on which it is located.
- 465.** PRINCIPAL USE means a primary use of a premises which is not accessory to any other use on the premises. Unless the use customarily occurs outdoors, or the definition of the use explicitly mentions that it occurs outdoors, a principal use occurs indoors.
- 466.** PRIVATE SEWAGE SYSTEM means a sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Wisconsin department of commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
- 467.** PROCESSING OR RECYCLING OF MINED MATERIALS means a mine site or the mining or quarrying of stone. This term includes a facility engaged in crushing, grinding, washing, screening, pulverizing, sizing or recycling stone, concrete, asphalt or similar materials.
- 469.** PUBLIC SAFETY FACILITY means a government facility for public safety and emergency services, including a facility that provides police or fire protection and related administrative facilities.
- 470.** PUBLIC UTILITIES means those utilities using underground or overhead transmission lines, such as electric, telephone or telegraph lines, or collection and distribution systems, such as water, sanitary sewer or storm sewer systems.
- 471.** RAILROAD SWITCHING, CLASSIFICATION YARD, OR FREIGHT TERMINAL means a facility for the operation of a line-haul or short-line freight railroad.
- 473.** RAISING OF CROPS OR LIVESTOCK means the growing of crops, including any farm, orchard, community garden or other premises or establishment used for the growing of crops, or the use of land or buildings for the keeping of cows, cattle, horses, sheep, swine, goats, chickens, ducks, turkeys, geese or any other domesticated livestock if permitted by the health department under the provisions of ch. 78.
- 474.** REASONABLY SAFE FROM FLOODING means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area, and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- 475.** RECEIVING BODY OF WATER means any water body, watercourse or wetland into which surface waters flow either naturally or from human-made conveyance.
- 477.** RECEPTION/TRANSMISSION SYSTEM means a system of electrical components that emit or receive radio frequency waves, including antennae, communication dishes and similar devices.
- 479.** RECREATION FACILITY, INDOOR means a facility primarily used for the indoor conduct of, or participation in, recreational activities, and secondarily for the viewing of such activities. This term includes, but is not limited to, an indoor driving range, volleyball court, bowling alley, ice or roller skating rink, billiard hall, video game center, archery or shooting range, soccer field or basketball court. This term does not include a sports facility or health club.
- 481.** RECREATION FACILITY, OUTDOOR means a facility primarily used for the outdoor conduct of, or participation in, recreational activities, and secondarily for the viewing of such activities. Such

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a facility may include one or more structures. This term includes, but is not limited to, a golf facility, tennis, basketball or volleyball court, soccer, baseball or football field, or amusement or water park. This term does not include a sports facility or health club.

483. RECREATIONAL VEHICLE. See MOTOR VEHICLE, HEAVY MOTOR VEHICLE or LIGHT MOTOR VEHICLE.

485. RECYCLABLE MATERIAL means waste material for which there exists a commercially demonstrated processing or manufacturing technology for the use of the material as a raw material.

487. RECYCLING COLLECTION FACILITY means a facility for the deposit, sorting or batching, but not processing, of post-consumer recyclable materials. This term includes, but is not limited to, a residential self-help, drop-off facility or a transfer station which receives residential solid waste collected by city forces or deposited by city residents.

489. RELIGIOUS ASSEMBLY means a facility where people regularly assemble for religious worship and any incidental religious education, which is maintained and controlled by a religious body organized to sustain public worship. This term does not include an elementary or secondary school, a specialty/personal instruction school or a college.

491. RENTAL CENTER. See FURNITURE AND APPLIANCE RENTAL AND LEASING.

493. RESALE SHOP. See SECONDHAND STORE.

495. RESEARCH AND DEVELOPMENT means an establishment which conducts research, development or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing. This term includes, but is not limited to, a biotechnology firm or a manufacturer of nontoxic computer components.

497. RESIDENTIAL DISTRICT means a single-family, 2-family or multi-family residential zoning district or a planned development district where a majority of the land area or floor area is devoted to residential uses.

499. RESTAURANT, FAST-FOOD/CARRY-OUT means a restaurant other than a sit-down restaurant where the manner of preparation, packaging and serving of food or beverages encourages their consumption outside the building. This term does not include a tavern.

501. RESTAURANT, SIT-DOWN means a restaurant where the food or beverages sold are consumed at tables located on the premises, where taking food or beverages from the premises is purely incidental, where food or beverages are normally served utilizing nondisposable containers and utensils and where the consumption of food or beverages in vehicles on the premises in which the building is located does not regularly occur, or where the restaurant is located within a building containing more than one principal use other than another restaurant. This term does not include a tavern.

503. RETAIL means sale to the ultimate consumer for direct consumption and not for resale.

505. RETAIL ESTABLISHMENT, GENERAL means an establishment providing retail sale of new products to the public and rendering services incidental to the sale of such products, including, but not limited to, sale of: art supplies and picture frames, art works, auto parts, baked goods, bicycles, books, newspapers and magazines, collectibles, dry goods, notions and novelties, flowers and plants, food and beverages, furniture and floor coverings, hardware, hobbies, toys and games, household goods, jewelry, luggage, major appliances, music, records, compact discs and tapes, paint and wallpaper, pets, pharmaceutical products, photo equipment and processing, sewing apparatus, sporting goods, stationery, tobacco products and wearing apparel. This term includes, but is not limited to, a grocery store, specialty food store, antique store, liquor store, butcher shop, delicatessen, portrait studio, furniture or appliance rental establishment or video rental or sales business. This term does not include an adult book store, lumber yard, building supply or home improvement center, garden center or secondhand store.

507. ROOFLINE means the top of a roof or building parapet, excluding any cupola, pylon, chimney or other minor projection.

509. ROOMER means an occupant of a rooming house who is not a member of the family of the operator of that rooming house, and also means an occupant of a dwelling unit who is not the primary occupant of the dwelling unit.

511. ROOMING HOUSE means any building or part of any building or dwelling unit occupied by more than 3 persons who are not a family or by a family and more than 2 other persons for periods of occupancy usually longer than one night and where a bathroom or toilet room is shared. This term

includes any building or part of any building in which one or more persons share a toilet room or bathroom with the occupants of one or more 2nd class dwelling units, as defined in s. 200-08-83.

513. RUMMAGE SALE means the sale of used household goods from a residential premises.

515. SALVAGE OPERATION, INDOOR means an establishment providing the storage of any equipment, goods, junk, material, merchandise or inoperable motor vehicles within a building for more than 48 hours. Such establishment typically performs the dismantling of items for the salvage of useable parts. This term does not include a recycling collection facility, mixed-waste processing facility, material reclamation facility, wholesale and distribution facility or hazardous materials storage.

517. SALVAGE OPERATION, OUTDOOR means an establishment providing the storage of any equipment, goods, junk, material, merchandise or inoperable or unregistered motor vehicles in the open for more than 48 hours. Such establishment typically performs the dismantling of items for the salvage of useable parts. This term does not include a recycling collection facility, mixed-waste processing facility, material reclamation facility, wholesale and distribution facility or hazardous materials storage.

519. SCHOOL, ELEMENTARY OR SECONDARY means a public, parochial or private school which provides an educational program for one or more grades between kindergarten and grade 12, inclusive, and which is commonly known as an elementary school, grade school, middle school, junior high school or high school.

521. SCHOOL, SPECIALTY OR PERSONAL INSTRUCTION means a business, professional, trade or other specialty school. This term includes, but is not limited to, a school offering instruction in music, art, dance, martial arts, GED preparation, computer use or programming, or cosmetology. This term does not include a flight school.

523. SEASONAL MARKET means a temporary facility used to conduct retail trade for a period not exceeding 90 days in a calendar year.

525. SECONDHAND STORE means an establishment in which used merchandise is sold at retail. This term includes a pawn shop but does not include an antique or collectibles store or other general retail establishment.

527. SERVICE STATION. See FILLING STATION or LIGHT MOTOR VEHICLE REPAIR FACILITY.

529. SETBACK means the required distance between a lot line and a setback line.

531. SETBACK, FRONT means the area extending the full width of a lot and located between a front lot line and a front setback line.

533. SETBACK LINE means a line parallel to a lot line which marks the required setback distance and which establishes the required front, side, side street, rear or rear street setback of a lot.

535. SETBACK, REAR means the area extending the full width of a lot and located between a rear lot line and a rear setback line.

537. SETBACK, REAR STREET means the area extending the full width of a lot and located between the rear street lot line and the rear street setback line.

539. SETBACK, SIDE means the area extending from a front setback line to a rear setback line and located between a side lot line and a parallel side setback line.

541. SETBACK, SIDE STREET means a side setback of a corner lot which faces a public street.

543. SEWAGE TREATMENT PLANT means a facility which operates a sewerage system and sewage treatment facilities that collect, treat and dispose of human waste.

544. SHED means an accessory building of not more than 150 square feet in floor area and not more than 14 feet in maximum height.

545. SHELTER CARE FACILITY means a nonsecure place of temporary care and physical custody for children, including a holdover room, licensed by the state of Wisconsin under s. 48.66(1)(a), Wis. Stats., including:

- a. Family shelter care facility. A facility which houses not more than 4 children.
- b. Small group shelter care facility. A facility which houses at least 5 but not more than 8 children.
- c. Large group shelter care facility. A facility which houses at least 9 but not more than 20 children.

547. SHIP TERMINAL OR DOCKING FACILITY means a facility for the docking, loading or unloading of ships, barges or boats that primarily transport freight.

549. SHOPPING CENTER means a group of retail or service establishments planned, developed, owned or managed as a unit.

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551. SHORELANDS means lands within the following distances from the ordinary high-water mark of navigable waters: 1,500 feet from a lake, pond, estuary or flowage; and 500 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

553. SIGN means any structure, device, display, illumination or projected image that is arranged, intended or designed as an announcement, declaration, demonstration, illustration, indication, symbol, insignia, banner or emblem and which is used for advertisement, identification or promotion when placed so as to be seen from out of doors by the general public.

555. SIGN, ABANDONED means:

- a. A sign pertaining to or associated with an event, business or purpose which is no longer ongoing and which has been inactive or out of business for a period of 90 consecutive days or longer; or
- b. A sign which contains structural components but no display for a period of 90 consecutive days or longer.

557. SIGN, ANIMATED means a flashing, blinking, moving or rotating sign or a sign with illumination or surface features that change with time. This term shall not include a barber pole or a changeable message sign.

559. SIGN, AWNING means a sign consisting of letters, numbers or symbols applied to or integral with the fabric covering of an awning or awning-like structure.

561. SIGN, CANOPY means an on-premise sign attached to or supported by a canopy.

563. SIGN, CHANGEABLE MESSAGE, AUTOMATIC means a sign which has copy, graphics or images that are changed periodically by an electronic mechanism, such as a time-and-temperature sign, message center, reader board or video screen. This term does not include a truck or trailer designed as a mobile, changeable message sign. See also PORTABLE SIGN.

565. SIGN, CHANGEABLE MESSAGE, MANUAL means a sign which has copy that is changed periodically by manual means, such as a message center or reader board with removable or interchangeable letters. This term does not include a truck or trailer designed as a mobile, changeable message sign. See also SIGN, PORTABLE.

567. SIGN, CONSTRUCTION means a temporary on-site sign designed and constructed to identify a project while it is under construction.

569. SIGN, DILAPIDATED means a sign where elements of the display area or panel are visibly cracked, broken or discolored, where the support structure or frame members are visibly corroded, bent, broken, torn or dented, or where the message can no longer be read under normal viewing conditions.

571. SIGN, FREESTANDING means a sign anchored directly to the ground or supported by one or more posts, columns or other vertical structures or supports, and not attached to or dependent for support from any building.

573. SIGN, HOOD means a sign attached to, painted on or suspended from a hood. This term includes signs commonly referred to as "marquee signs."

575. SIGN, MOBILE. See SIGN, PORTABLE.

577. SIGN, MONUMENT means a freestanding sign supported by a solid foundation or base that is at least as wide as the sign's display area.

579. SIGN, OFF-PREMISE means a sign advertising a business, organization, event, person, place, service or product which is not the primary business, organization, event, person, place, service or product located, sold, manufactured or otherwise processed on the premises upon which the sign is located.

581. SIGN, ON-PREMISE means a sign advertising the sale or lease of property upon which the sign is located or a sign advertising a business, organization, event, person, place, service or product which is a primary business, organization, event, person, place, service or product located, sold, manufactured or otherwise processed on the premises upon which the sign is located.

583. SIGN, PENNANT or STREAMER means a sign, with or without a logo, made of flexible materials suspended from one or 2 corners, used in combination with other such signs to create the impression of a line.

585. SIGN, PERMANENT BANNER means a sign made of flexible materials and supported along one or more sides or at 2 or more corners by one or more fixed, rigid supports, such as poles or rods.

587. SIGN, POLE means any freestanding sign supported by one or more poles, except a monument sign.

589. SIGN, POLITICAL means a sign which is intended to advertise support of, or opposition to a candidate for public office or a referendum question, or a sign intended to convey a non-commercial social or political message.

591. SIGN, PORTABLE means a sign, sandwich board, mobile reader board, merchandise display or other advertising device which is not installed in accordance with the provisions of s. 244-7-4. A vehicle carrying advertising, parked at a curb for other than normal transportation purposes, shall be considered a portable sign.

593. SIGN, PROJECTING means a sign attached to and projecting outward from a building face or wall, generally at a right angle to the building. This term includes a sign that is located entirely or partially in the public right-of-way, as well as a sign that is located entirely on private property.

595. SIGN, REAL ESTATE means a temporary sign that relates to the sale, lease or rental of property or buildings.

597. SIGN, ROOF means a sign erected, constructed and maintained on or above the roof of any building.

599. SIGN, TEMPORARY BANNER means a sign made of flexible materials and supported along one or more sides or at 2 or more corners by staples, tape, wires, ropes, strings or other materials that are not fixed or rigid.

601. SIGN, TETHERED means a sign which is anchored by a rope, wire, chain or similar method.

603. SIGN, WALL means a sign painted on or affixed to a building face, parallel to and not extending more than 12 inches from the surface.

605. SIGN, WINDOW means a sign placed in or painted on a window, or placed within 3 feet of a window or building opening, which is clearly visible and readable from a street or public place.

607. SINGLE-FAMILY DWELLING means a building containing one dwelling unit.

609. SITE means a premises.

611. SITE WORK means any of the following:

- a. Physical expansion of any principal or accessory building.
- b. Alteration, replacement, addition or removal of exterior building features such as, but not limited to, porches, railings, balconies, gables, awnings, signs, bay windows, fire escapes, cornices, capitals, lintels, sills and pediments.
- c. Alteration of the size, number or location of curb cuts.
- d. Alteration of loading or unloading facilities.
- e. Alteration of existing off-street parking spaces or installation of new off-street parking spaces.
- f. Modification of landscaping.
- g. Relocation of an existing freestanding sign or installation of a new freestanding sign.

613. SOCIAL CENTER. See COMMUNITY CENTER.

615. SOCIAL SERVICE FACILITY means a facility operated by an organization which provides services such as training, counseling, health or the distribution of food or clothing. This term includes, but is not limited to, a facility offering life skills training, substance abuse counseling, housing services or a neighborhood recovery center. This term does not include an emergency residential shelter.

617. SORORITY means a building used as group living quarters for members of a general or local chapter of a regularly organized college sorority.

619. SPECIAL USE means a use which is generally acceptable in a particular zoning district but which, because of its characteristics and the characteristics of the zoning district in which it would be located, requires review on a case-by-case basis to determine whether it should be permitted, conditionally permitted or denied.

621. SPECIALTY SCHOOL. See SCHOOL, SPECIALTY OR PERSONAL INSTRUCTION.

623. SPECIFIED ANATOMICAL AREAS means less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola, including human male genitals in a discernibly turgid state, even if completely and opaquely covered.

625. SPORTS FACILITY means a place designed and equipped primarily for observation of sports, leisure time activities and other customary and usual recreational activities. Such a facility is typified by temporal peaks in vehicle trip generation. This term includes, but is not limited to, a stadium, ballpark or arena.

626. START OF CONSTRUCTION means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other

improvement occurred within 180 days of that date. For purposes of this definition, “actual start” means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, any work beyond initial excavation or the placement of a manufactured home on a foundation. “Permanent construction” does not include land preparation, such as clearing, grading or filling, the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, “actual start” of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, regardless of whether the alteration affects the external dimensions of the building.

627. STORAGE FACILITY, HAZARDOUS MATERIALS means an establishment providing warehousing or bulk storage facilities for hazardous, toxic, flammable, explosive or other dangerous materials.

629. STORAGE FACILITY, INDOOR means an establishment providing indoor storage of materials, vehicles or goods. This term does not include a hazardous materials storage facility or an indoor wholesale and distribution facility. This term includes, but is not limited to, a mini-warehouse or self-storage facility.

631. STORAGE FACILITY, OUTDOOR means an establishment providing outdoor storage of materials or goods. This term does not include a hazardous materials storage facility, an indoor wholesale and distribution facility or light or heavy motor vehicle outdoor storage.

633. STORY means that portion of a building included between the upper surface of any floor and the upper surface of the floor above, or any portion of a building between the topmost floor and the roof having a floor area equal to at least two-thirds of the floor area of the floor immediately below it, but not including any basement, mezzanine, balcony, penthouse or attic.

635. STREET means any vehicular way other than an alley which is an existing state, county or municipal roadway or is shown on a plat approved pursuant to law, including the land between the street lines, whether or not improved.

637. STREET, ARTERIAL means a street shown as a principal or minor arterial street on the single-line street map prepared by the department of public works and found on the city’s geographic information system.

639. STREET, COLLECTOR means a street shown as a collector street on the single-line street map prepared by the department of public works and found on the city’s geographic information system.

641. STREET LEVEL AREA means any floor area of a structure located not more than 6 feet above nor more than 6 feet below street grade as measured at principal points of access to the floor area, exclusive of any floor area designed for common use in a multi-tenant building.

643. STREET, LOCAL means a street shown as a local street on the single-line street map prepared by the department of public works and found on the city’s geographic information system.

645. STRUCTURE means any constructed or erected materials or combination of materials for use, occupancy or ornamentation installed on, above or below the surface of land or water. This term includes any constructed or built object which requires location on the ground or attachment to something located on the ground. Examples include, but are not limited to, buildings, decks, fences, towers, gas or liquid storage tanks, bridges, dams, culverts, flagpoles, signs and similar objects.

647. SUBDIVIDE means to divide a parcel of land, whether improved or unimproved, into 2 or more contiguous lots or parcels of land in accordance with the provisions of ch. 119.

648. SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

649. SUBSTANTIAL IMPROVEMENT means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. This term does not include:

- a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which is solely necessary to assure safe occupancy conditions.
- b. Any alteration of a structure or site documented as deserving preservation by the state historical society or listed on the national register of historic places.
- c. Ordinary maintenance repairs including internal and external painting, decorating, paneling or the replacement of doors, windows and other nonstructural components.

651. SUBSTATION/DISTRIBUTION EQUIPMENT, INDOOR means a facility, other than a transmission tower and contained entirely within a building, which performs either of the following functions:

- a. Aids in the distribution of a utility, including but not limited to electric power or telephone service.
- b. Is used to operate, maintain or provide access to facilities for the transmission of voice, data, text, internet, sound or full-motion-picture video between network termination points.

653. SUBSTATION/DISTRIBUTION EQUIPMENT, OUTDOOR means a facility, other than a transmission tower and not contained entirely within a building, which performs either of the following functions:

- a. Aids in the distribution of a utility, including but not limited to electric power or telephone service.
- b. Is used to operate, maintain or provide access to facilities for the transmission of voice, data, text, internet, sound or full-motion-picture video between network termination points.

655. TAVERN means an establishment providing alcohol beverages by the drink to the public, where food or packaged alcohol beverages may be served or sold only as accessory to the primary use. This term does not include an assembly hall or a recreation facility.

657. TEMPORARY REAL ESTATE SALES OFFICE means a temporary office, including a manufactured building, for marketing, sales or rental of residential, commercial or industrial development for a maximum period of one year from the date of permit approval.

659. THEATER means an establishment or facility for presenting motion pictures or live performances for observation by patrons. This term includes an outdoor stage, bandshell or amphitheater, but does not include an adult entertainment establishment.

661. TITLE LOAN AGENCY means an establishment providing loans to individuals in exchange for receiving title to the borrowers' motor vehicles as collateral.

663. TOOL/EQUIPMENT RENTAL FACILITY means an establishment providing the rental of tools, lawn and garden equipment, party supplies and similar goods and equipment, including storage and incidental maintenance. This term does not include a motor vehicle rental facility.

664. TOW TRUCK means a motor vehicle that is equipped with mechanical or hydraulic lifting devices or winches capable of, and used for, the recovery and transport or both of wrecked, disabled, abandoned, used or replacement vehicles.

664.5. TRANSITIONAL LIVING FACILITY means a premises, other than a community living arrangement or an adult family home, in which 3 or more adult residents are provided with personal care, treatment or services above the level of room and board but less than nursing care, including but not limited to supervision, monitoring, counseling, transportation or ongoing assistance with personal finances or medications, by a person who provides any of these services under a contractual arrangement.

665. TRANSMISSION TOWER means a structure designed to support one or more reception/transmissions systems. This term includes, but is not limited to, a radio tower, television tower, telephone exchange/microwave relay tower or cellular telephone transmission/personal communications systems tower.

667. TRUCK FREIGHT TERMINAL means a facility for truck-based freight service and operations, including but not limited to local pickup, local sorting and terminal operations, line-haul loading and unloading, destination sorting and terminal operations and local delivery.

669. TWO-FAMILY DWELLING means a building containing 2 dwelling units.

671. UNIVERSITY. See COLLEGE.

673. USE means the purpose for which land or a structure is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.

675. VARIANCE, DIMENSIONAL means permission from the board to depart from any of the literal requirements of this chapter except use regulations, including but not limited to a departure from an area, setback, frontage, height, bulk, density or design requirement.

676. VARIANCE, USE means permission from the board to depart from any of the use regulations of this chapter.

676.3. VEHICLE OPERATING AREA means an area adjacent to a street lot line where motor vehicles are operated, including but not limited to such areas located on the premises of filling stations, automatic teller machines, drive-through facilities and car washes.

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676.5. VIOLATION, within s. 295-1011, means the failure of a structure or development to be fully compliant with s. 295-415-9, 295-1011 or any other provision of this chapter relating to development in the floodplain. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

677. WATCHMAN/SERVICE QUARTERS means one dwelling unit designed for an employee who is employed on the premises.

678. WATERSHED means the entire region contributing runoff or surface water to a watercourse or body of water.

678.5. WATER SURFACE PROFILE means a graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

679. WATER TREATMENT PLANT means an establishment engaged in operating a water treatment plant or operating a water supply system. The water supply system may include pumping stations, aqueducts or distribution mains. The water may be used for drinking, irrigation or other uses.

680. WELL means an excavation opening in the ground, made by digging, boring, drilling, driving or other methods, to obtain groundwater, regardless of the intended use of the groundwater.

681. WETLANDS means those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

683. WETLAND ALTERATION means any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

685. WHOLESALE means sale for resale and not for direct consumption.

687. WHOLESALE AND DISTRIBUTION FACILITY, INDOOR means an establishment providing indoor storage and sale of factory-direct merchandise and bulk goods. This term includes, but is not limited to, mail-order and catalog sales, importing, wholesale or retail sale of goods received by the establishment, and wholesale distribution, but does not include sale of goods for individual consumption.

689. WHOLESALE AND DISTRIBUTION FACILITY, OUTDOOR means an establishment providing outdoor storage and sale of factory-direct merchandise and bulk goods. This term includes, but is not limited to, mail-order and catalog sales, importing, wholesale or retail sale of goods received by the establishment, and wholesale distribution, but does not include sale of goods for individual consumption.

691. YARD means all areas of a lot not covered by a principal building.

693. YARD, FRONT means the area extending the full lot width and situated between the front lot line and the face of the principal building which is parallel to, or most nearly parallel to, the front lot line.

695. YARD, REAR means the area extending the full lot width and situated between the rear lot line and the face of the principal building which is parallel to, or most nearly parallel to, the rear lot line.

697. YARD, REAR STREET means the area extending the full lot width and situated between the rear street lot line and the face of the principal building which is parallel to, or most nearly parallel to, the rear street lot line.

699. YARD, SIDE means the area extending between the front yard and rear yard or rear street yard and situated between the side lot line and the face of the principal building which is parallel to, or most nearly parallel to, the side lot line.

701. YARD, SIDE STREET means the area extending between the front yard and the rear yard or rear street yard and situated between the side street lot line and the face of the principal building which is parallel to, or most nearly parallel to, the side street lot line.

295-203. Use Definitions. This section defines each use listed in the use tables of the various zoning districts, in the order the uses are listed in those tables.

1. RESIDENTIAL USES. a. "Single-family dwelling" means a building containing one dwelling unit.
- b. "Two-family dwelling" means a building containing 2 dwelling units.
- c. "Multi-family dwelling" means a building containing more than 2 dwelling units.
- d. "Attached single-family dwelling" means one dwelling unit located on a lot, wherever such

dwelling unit has at least 2 exposed exterior walls and is attached by a common vertical wall to an adjacent dwelling unit which is located on another lot and has at least 2 exposed exterior walls.

e. "Live-work unit" means a dwelling unit used for both dwelling purposes and any non-residential use permitted in the zoning district in which the unit is located, provided that not more than 2 persons who do not reside in the unit are employed on the premises.

f. "Mobile home" means a manufactured building built on a chassis and transported to a site, with or without wheels, axles, hitches or other appurtenances of mobility and regardless of the type of foundation.

g. "Watchman/service quarters" means one dwelling unit designed for an employee who is employed on the premises.

h. "Family day care home" means a dwelling unit licensed as a day care center by the Wisconsin department of health and family services under s. 48.65, Wis. Stats., and ch. DCF 250, Wis. Admin. Code, or certified as a day care center by Milwaukee County, where care is provided for not more than 8 children at any given time. A family day care home is typically the primary residence of its operator.

i. "Rooming house" means any building or part of any building or dwelling unit occupied by more than 3 persons who are not a family or by a family and more than 2 other persons for periods of occupancy usually longer than one night and where a bathroom or toilet room is shared. This term includes any building or part of any building in which one or more persons share a toilet room or bathroom with the occupants of one or more 2nd class dwelling units, as defined in s. 200-08-83.

2. GROUP RESIDENTIAL USES. a. "Convent, rectory or monastery" means a building used to house the staff of a church or members of a religious order.

b. "Dormitory" means a building used as group living quarters for students associated with a college, university, boarding school, orphanage or similar institution.

c. "Fraternity" means a building used as group living quarters for members of a general or local chapter of a regularly organized college fraternity.

d. "Sorority" means a building used as group living quarters for members of a general or local chapter of a regularly organized college sorority.

e. "Adult family home" means a facility licensed as an adult family home by the state of Wisconsin where 3 or 4 adults not related to the operator reside and are provided with care, treatment or services above the level of room and board. Such care and treatment may include up to 7 hours per week of nursing care per resident.

f. "Foster family home" means a facility which houses from one to not more than 4 children, is the primary dwelling of a foster parent, and is licensed by either the state of Wisconsin, a county agency or a child welfare agency to provide care and maintenance of the children by persons other than a relative or guardian of the children.

g. "Small foster home" means a facility which houses from one to not more than 4 children and is operated by a corporation, child welfare agency, association, public agency or religious affiliation licensed by the state of Wisconsin, a county agency or a child welfare agency to provide care and maintenance of the children.

h. "Group home or group foster home" means a facility, licensed by the state of Wisconsin under s. 48.625, Wis. Stats., where 5 to 8 foster children reside and are provided with care and maintenance by persons other than a relative or guardian.

i. "Family shelter care facility" means a nonsecure place of temporary care and physical custody for children, including a holdover room, licensed by the state of Wisconsin under s. 48.66(1)(a), Wis. Stats., which houses not more than 4 children.

j. "Small group shelter care facility" means a nonsecure place of temporary care and physical custody for children, including a holdover room, licensed by the state of Wisconsin under s. 48.66(1)(a), Wis. Stats., which houses at least 5 but not more than 8 children.

k. "Large group shelter care facility" means a nonsecure place of temporary care and physical custody for children, including a holdover room, licensed by the state of Wisconsin under s. 48.66(1)(a), Wis. Stats., which houses at least 9 but not more than 20 children.

L. "Community living arrangement" means either of the following facilities licensed, operated or permitted by the state of Wisconsin:

L-1. Residential care center. A facility where 4 or more children reside and are provided with care and maintenance for no more than 75 days each in any consecutive 12-month period by persons other than a relative or guardian. The term does not include educational institutions, public agencies, hospitals, maternity homes, nursing homes, sanitariums, foster homes, shelter care facilities, prisons,

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jails, or institutions for children with mental health disabilities having a capacity of less than 150 children.

L-2. Community-based residential facility. A facility where 5 or more adults not related to the operator reside and are provided with care, treatment or services above the level of room and board but less than nursing care. Such care shall include supportive home care service unless contraindicated by the facility program, and may also include 7 hours or less of prescribed personal care service per week, per resident. This term does not include nursing homes, prisons, jails, correctional facilities, convents or facilities owned or operated exclusively by and for members of a religious order, or educational institutions and related student housing.

m. "Transitional living facility" means a premises, other than a community living arrangement or an adult family home, in which 3 or more adult residents are provided with personal care, treatment or services above the level of room and board but less than nursing care, including but not limited to supervision, monitoring, counseling, transportation or ongoing assistance with personal finances or medications, by a person who provides any of these services under a contractual arrangement.

3. EDUCATIONAL USES. a. "Day care center" means an establishment in which the operator is provided with compensation in return for providing one or more individuals with care for less than 24 hours at a time. The term includes, but is not limited to, a day nursery, nursery school, adult day care center or other supplemental care facility. This term also includes a family day care home in which the operator does not reside.

b. "School, elementary or secondary" means a public, parochial or private school which provides an educational program for one or more grades between kindergarten and grade 12, inclusive, and which is commonly known as an elementary school, grade school, middle school, junior high school or high school.

c. "College" means an educational institution authorized by the state to award baccalaureate or higher degrees, or any campus of the state vocational, technical and adult education system. This term includes any classroom, laboratory, sporting facility or office associated with such institution. This term does not include a dormitory.

d. "School, specialty or personal instruction" means a business, professional, trade or other specialty school. This term includes, but is not limited to, a school offering instruction in music, art, dance, martial arts, GED preparation, computer use or programming, or cosmetology. This term does not include a flight school.

4. COMMUNITY-SERVING USES. a. "Library" means a public, nonprofit facility in which literary, musical, artistic or reference materials such as, but not limited to, books, manuscripts, computers, recordings or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.

b. "Cultural institution" means an institution that displays or preserves objects of interest to the arts or sciences. This term includes, but is not limited to, a museum, art gallery, aquarium or planetarium.

c. "Community center" means a building or group of buildings operated by a public or nonprofit group or agency and used for recreational, social, educational or cultural activities. A community center may include a health clinic or social service facility if the clinic or facility is ancillary to the principal recreational, social, educational or cultural use of the premises.

d. "Religious assembly" means a facility where people regularly assemble for religious worship and any incidental religious education, which is maintained and controlled by a religious body organized to sustain public worship. This term does not include an elementary or secondary school, a specialty or personal instruction school, or a college.

e. "Cemetery or other place of interment" means a place for the interment of the dead. This term includes a columbarium or mausoleum, but does not include a crematorium or mortuary.

f. "Public safety facility" means a government facility for public safety and emergency services including a facility that provides police or fire protection and related administrative facilities.

g. "Correctional facility" means a correctional institution established under s. 301.13, Wis. Stats., or a state prison established under ch. 302, Wis. Stats.

5. COMMERCIAL AND OFFICE USES. a. "General office" means use of a building for business, professional or administrative offices. A general office is characterized by a low proportion of vehicle trips attributable to visitors or clients in relationship to employees. Examples include, but are not limited

to, offices of firms or organizations providing architectural, computer software consulting, data management, engineering, interior design, graphic design, real estate, insurance, investment or legal services. This term does not include a bank or other financial institution or the office of a physician, dentist, optometrist or chiropractor.

b. "Government office" means an administrative, clerical or public contact office of a government agency, including a postal facility, together with incidental storage and maintenance of the agency's vehicles.

c. "Bank or other financial institution" means an establishment providing retail banking, credit and mortgage services. This term does not include a currency exchange, a payday loan agency or a title loan agency.

d. "Currency exchange" means, in accordance with s. 218.05, Wis. Stats., any person except banks incorporated under the laws of this state and national banks organized pursuant to the laws of the United States and any credit union operating under ch. 186, Wis. Stats., which obtains a certificate of authority from the Wisconsin commissioner of credit unions, engaged in the business of and providing facilities for cashing checks, drafts, money orders and all other evidences of money acceptable to such community currency exchange for a fee, service charge or other consideration. This term does not include any person engaged in the business of transporting for hire, bullion, currency, securities, negotiable or nonnegotiable documents, jewels or other property of great monetary value nor any person engaged in the business of selling tangible personal property at retail nor any person licensed to practice a profession or licensed to engage in any business in this state, who in the course of such business or profession and, as an incident thereto, cashes checks, drafts, money orders or other evidences of money.

e. "Title loan agency" means an establishment providing loans to individuals in exchange for receiving titles to the borrowers' motor vehicles as collateral.

f. "Payday loan agency" means an establishment providing loans to individuals in exchange for personal checks as collateral.

g. "Installment loan agency" means an establishment providing personal loans of up to \$1,000 that have terms of not less than 31 days and not more than one year and are repaid through cash payments, wage assignments, current-dated or post-dated checks, or automatic checking account withdrawals. This term shall not include any establishment that offers payday loans, title loans or the cashing of checks or money orders; such establishment shall be classified as a payday loan agency, title loan agency or currency exchange, respectively.

h. "Retail establishment, general" means an establishment providing retail sale of new products to the public and rendering services incidental to the sale of such products, including, but not limited to, sales of: art supplies and picture frames, art works, auto parts, baked goods, bicycles, books, newspapers and magazines, collectibles, dry goods, notions and novelties, flowers and plants, food and beverages, furniture and floor coverings, hardware, hobbies, toys and games, household goods, jewelry, luggage, major appliances, music, records, compact discs and tapes, paint and wallpaper, pets, pharmaceutical products, photo equipment and processing, sewing apparatus, sporting goods, stationery, tobacco products and wearing apparel. This term includes, but is not limited to, a grocery store, specialty food store, antique store, liquor store, butcher shop, delicatessen, portrait studio, furniture or appliance rental establishment or video rental or sales business. This term does not include an adult book store, lumber yard, building supply or home improvement center, garden center or secondhand store.

i. "Garden supply or landscaping center" means an establishment providing the retail sale of plants and the sale or rental of garden and landscape materials and equipment. This term includes outdoor storage of plants, materials or equipment.

j. "Home improvement center" means an establishment providing the sale or rental of building supplies, construction equipment or home decorating fixtures and accessories. This term includes a lumber yard or a contractors' building supply business and may include outdoor storage or tool and equipment sales or rental. This term does not include an establishment devoted exclusively to retail sales of paint, wallpaper or hardware or activities classified under vehicle/equipment sales and services, including vehicle towing services.

k. "Secondhand store" means an establishment in which used merchandise is sold at retail. This term includes a pawn shop but does not include an antique or collectibles store or other general retail establishment.

L. "Outdoor merchandise sales" means retail sale of produce, other foodstuffs or any of the products listed in par. g, primarily outside an enclosed structure, for more than 90 days in any calendar year. This term shall not include a motor vehicle sales facility, garden supply or landscaping center, lumber yard, building supply or home improvement center, or Christmas tree lot.

m. "Artist studio" means work space for one or more artists or artisans, including the accessory sale of art produced on the premises.

n. "Adult retail establishment" means an establishment in which 10 percent or more of the gross public floor area is devoted to, or 10 percent or more of the stock-in-trade consists of, the following: books, magazines and other periodicals, movies, videotapes, compact discs, digital versatile discs, novelty items, games, greeting cards and other materials which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation or sodomy; fondling or other erotic touching of human genitals (pubic region), buttocks or female breasts; or specified anatomical areas.

6. HEALTH CARE AND SOCIAL ASSISTANCE. a. "Medical office" means an establishment providing diagnostic and outpatient medical care on a routine basis, but which is unable to provide prolonged inpatient medical or surgical care. Such facility may be staffed by up to 3 doctors, dentists, ophthalmologists, optometrists, chiropractors, physical therapists or similar practitioners licensed for practice by the state. This term includes a medical or dental laboratory incidental to the medical office use. See also "health clinic."

b. "Health clinic" means a group of associated offices for 4 or more physical or mental health care professionals who provide specialized diagnostic, testing, physical therapy or treatment services, including clerical and administrative services, to persons for periods of less than 24 hours. This term does not include a medical office or hospital.

c. "Hospital" means a state-licensed institution providing primary health services and medical, psychiatric, or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other physical or mental conditions, and, as an integral part of the institution, related accessory uses or facilities, including, but not limited to, laboratories, central service facilities for inpatient or outpatient treatment, as well as training, research and administrative services for patients and employees. Also included are health services and care, and services and functions which support health services and care, which are shared with other hospitals or other health care providers.

d. "Medical research laboratory" means an establishment providing medical or dental laboratory services or photographic, analytical or testing services for medical or medical research purposes. This term does not include a research and development facility that primarily serves an educational or industrial establishment.

e. "Medical service facility" means an establishment operated such that physicians are present during less than 50 percent of normal business hours and which provides medical services for the specialized diagnosis, testing and treatment of alcoholism, chemical substance abuse, mental illness or sexually transmitted diseases. This term includes, but is not limited to, a facility offering methadone treatment programs, a prison parole or probation drug treatment distribution center, or a facility where components of human blood are removed and purchased for use in research or the manufacture of consumer or industrial products.

f. "Social service facility" means a facility operated by an organization which provides services such as training, counseling, health or the distribution of food or clothing. This term includes, but is not limited to, a facility offering life skills training, substance abuse counseling, housing services or a neighborhood recovery center. This term does not include an emergency residential shelter.

g. "Emergency residential shelter" means a facility, other than a community living arrangement, that provides short-term housing and a protective sanctuary for victims of fire, natural disaster, economic hardship, crime, abuse or neglect, including emergency housing during crisis intervention for victims of rape, child abuse or physical beatings, and which contains individual or group sleeping rooms and may or may not have food preparation facilities and private shower or bath facilities.

h. "Nursing home" means a place where 5 or more persons who are not related to the operator or administrator reside, receive care or treatment and, because of their mental or physical condition, require access to 24-hour nursing services, including limited nursing care, intermediate level nursing care and skilled nursing services, as defined in s. 50.01, Wis. Stats.

7. GENERAL SERVICE USES. a. "Personal service establishment" means an establishment providing services which are of a recurring and personal nature to individuals. This term includes, but is not limited to, a barber shop, beauty salon, shoe repair shop, seamstress, tailor, fortune teller, tanning salon, massage establishment, body piercing establishment or tattoo establishment. This term does not include a portrait studio, dry cleaning establishment, laundromat, photocopy center, health club or repair shop for household items.

b. "Business service" means an establishment providing services to business establishments on a fee or contract basis, including, but not limited to, advertising services, business equipment and furniture sales or rental or protective services. This term includes, but is not limited to, an employment agency, photocopy center, commercial photography studio or mailing service. This term does not include maintenance, repair and office uses such as accounting, advertising, architectural design, city planning, environmental analysis, insurance, interior design, investment, landscape design, law, management consulting, title research and real estate.

c. "Building maintenance service" means an establishment providing routine maintenance of buildings. This term includes, but is not limited to, a window washing, building cleaning, pest extermination or disinfecting service.

d. "Catering service" means an establishment providing the processing, assembly and packaging of food into servings for consumption off-premises without provision for on-site pickup or consumption. This term includes, but is not limited to, the preparation of meals by a catering business or by a nonprofit organization operating a meal program.

e. "Funeral home" means an establishment providing services involving the care, preparation or disposition of human dead. This term includes, but is not limited to, a crematorium or a mortuary.

f. "Laundromat" means an establishment providing washing, drying or dry cleaning machines on the premises for rental use to the general public for laundering or dry cleaning purposes.

g. "Dry cleaning establishment" means an establishment which launders or dry cleans articles dropped-off on the premises directly by the customer or where articles are dropped off, sorted and picked up but where laundering or cleaning is done elsewhere.

h. "Furniture and appliance rental and leasing" means an establishment providing the rental or leasing of furniture, electronics, small appliances, major appliances or other household items. This term includes incidental storage and maintenance of such items.

i. "Household maintenance and repair service" means an establishment providing the repair or servicing of household goods, furniture, appliances or lawn and garden equipment.

j. "Tool/equipment rental facility" means an establishment providing the rental of tools, lawn and garden equipment, party supplies and similar goods and equipment, including storage and incidental maintenance. This term does not include a motor vehicle rental facility.

k. "Animal hospital/clinic" means an establishment providing medical and surgical treatment of domestic animals, including grooming and boarding for not more than 30 days if incidental to the medical care. This term also includes an animal crematorium.

L. "Animal boarding facility" means an establishment in which more than 3 dogs or 3 cats, or any combination thereof, over the age of 5 months may be kept for boarding, breeding, safekeeping, convalescence, humane disposal, placement, sale or sporting purposes. This is the same type of facility referred to as a "kennel" in ch. 78.

m. "Animal grooming or training facility" means an establishment providing bathing, trimming or training services for domestic animals on a commercial basis. This term includes the boarding of domestic animals for a maximum period of 48 hours incidental to the grooming or training services provided.

8. MOTOR VEHICLE USES. a. "Light motor vehicle sales facility" means an establishment providing retail sale of light motor vehicles, including incidental storage and maintenance. This term does not include a light motor vehicle wholesale facility.

b. "Light motor vehicle rental facility" means an establishment where contracts are prepared or reservations accepted for the rental or leasing of light motor vehicles. This term includes incidental storage of vehicles, but does not include on-premise maintenance of vehicles or a tool/equipment rental facility.

c. "Light motor vehicle repair facility" means an establishment providing the repair or servicing of light motor vehicles, including the sale, installation and servicing of related equipment and parts, where all such work is performed within an enclosed building. This term includes, but is not limited

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to, the repair or servicing of batteries, tires, mufflers, brakes, shocks, transmissions, engines or upholstery. This term includes, but is not limited to, an auto repair shop, wheel and brake shop, tire sales and installation, or upholstery shop. This term does not include vehicle dismantling or salvage, tire re-treading or recapping, or body bumping and painting.

d. "Light motor vehicle body shop" means an establishment providing the repair or rebuilding of light motor vehicle bodies by the replacement, smoothing, sanding or painting of the exterior surfaces of such vehicles within an enclosed building.

e. "Light motor vehicle outdoor storage" means the outdoor storage of operable light motor vehicles for more than 48 hours. This term does not include a surface parking lot, material reclamation facility, outdoor salvage operation or outdoor storage facility.

f. "Light motor vehicle wholesale facility" means an office for wholesale trade in light motor vehicles.

g. "Heavy motor vehicle sales facility" means an establishment providing retail sale of heavy motor vehicles, including incidental storage and maintenance.

h. "Heavy motor vehicle rental facility" means an establishment where contracts are prepared or reservations accepted for the rental or leasing of heavy motor vehicles. This term includes incidental storage of vehicles, but does not include on-premise maintenance of vehicles or a tool/equipment rental facility.

i. "Heavy motor vehicle repair facility" means an establishment providing the repair or servicing of heavy motor vehicles, including the sale, installation and servicing of related equipment and parts, where all such work is performed within an enclosed building. This term includes, but is not limited to, the repair or servicing of batteries, tires, mufflers, brakes, shocks, transmissions, engines or upholstery. This term does not include vehicle dismantling or salvage, tire retreading or recapping, or body bumping and painting.

j. "Heavy motor vehicle body shop" means an establishment providing the repair or rebuilding of heavy motor vehicle bodies by the replacement, smoothing, sanding or painting of the exterior surfaces of such vehicles within an enclosed building.

k. "Heavy motor vehicle outdoor storage" means the outdoor storage of operable heavy motor vehicles for more than 48 hours. This term does not include a surface parking lot, material reclamation facility, outdoor salvage operation or outdoor storage facility.

L. "Filling station" means an establishment providing retail sale of fuel for motor vehicles, but not motor vehicle maintenance or repair work on the premises. This term includes accessory retail sales, commonly referred to as a convenience store, but does not include a fast food restaurant.

m. "Car wash" means an establishment providing washing, waxing or cleaning of light motor vehicles, including access and queuing lanes.

n. "Drive-through facility" means a facility which is used for dispensing services or products to customers in motor vehicles. Such facility may include access lanes, signing, lighting and audio systems. This term does not include a drive-in theater.

o. "Parking lot, principal use" means surface parking spaces for 5 or more light motor vehicles, and adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of motor vehicles is the principal use of the premises. This term includes both commercial parking operations and private surface parking lots, but does not include the parking of heavy motor vehicles.

p. "Parking lot, accessory use" means surface parking spaces for 5 or more light motor vehicles, adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of motor vehicles is not the principal use of the premises. This term does not include commercial parking operations, which shall be considered a principal use, or the parking of heavy motor vehicles, but does include outdoor operating areas of light motor vehicle-oriented uses, such as filling stations, car washes and drive-through facilities.

q. "Parking structure, principal use" means parking spaces and adjacent access drives, aisles and ramps that are located in a structure with 2 or more levels, where the parking structure is the principal use of the premises. This term includes commercial parking operations as well as private parking structures. This term does not include private one-story garages for single-, 2- or multi-family dwellings.

r. "Parking structure, accessory use" means parking spaces and adjacent access drives, aisles and ramps that are located in a structure with 2 or more levels, where the parking structure is not the

principal use of the premises. This term does not include private one-story garages for single-, 2- or multi-family dwellings but does include parking spaces that are integrated into a larger structure that houses the principal use of the premises.

s. “Heavy motor vehicle parking lot, principal use” means surface parking spaces for 5 or more heavy motor vehicles, along with adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of such vehicles is the principal use of the premises. This term includes both commercial parking operations and private surface parking lots, but does not include parking lots that are used exclusively for the parking of light motor vehicles.

t. “Heavy motor vehicle parking lot, accessory use” means surface parking spaces for 5 or more heavy motor vehicles, along with adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of such vehicles is not the principal use of the premises. This term does not include commercial parking operations, which are a principal use, or parking lots that are used exclusively for the parking of light motor vehicles.

9. ACCOMMODATION AND FOOD SERVICE USES. a. “Bed and breakfast” means an establishment which:

- a-1. Provides rooms for rent for short periods of time.
- a-2. Provides meals only to renters of rooms in the establishment.
- a-3. Is the operator’s personal residence.
- a-4. Is occupied by the operator at the time of rental.
- a-5. Is operated with a bed and breakfast establishment permit issued by the health department pursuant to s. 75-5.

b. “Hotel, commercial” means a hotel in which at least 5 rooms or units or at least 70% of the accommodations, whichever is greater, are regularly used or available for occupancy for periods of less than 30 days or are available for more than 30 days but are not the primary residences of the occupants. This classification includes, but is not limited to, a motor lodge, motel or extended-stay hotel.

c. “Hotel, residential” means a hotel in which at least 70% of the accommodations are regularly used or available for occupancy of continuous periods of 30 days or more by persons who use the hotel as their primary residence.

d. “Tavern” means an establishment providing alcohol beverages by the drink to the public, where food or packaged alcohol beverages may be served or sold only as accessory to the primary use. This term does not include an assembly hall or a recreation facility.

e. “Assembly hall” means an establishment providing meeting space for social gatherings, including but not limited to wedding receptions, graduation parties and business or retirement functions. This term includes, but is not limited to, a banquet hall, rental hall, non-alcoholic social club, non-denominational chapel or a meeting space for a club or membership organization. This term does not include a convention center.

f. “Restaurant, sit-down” means a restaurant where the food or beverages sold are consumed at tables located on the premises, where taking food or beverages from the premises is purely incidental, where food or beverages are normally served utilizing nondisposable containers and utensils and where the consumption of food or beverages in vehicles on the premises in which the building is located does not regularly occur, or where the restaurant is located within a building containing more than one principal use other than another restaurant. This term does not include a tavern.

g. “Restaurant, fast-food/carry-out” means a restaurant other than a sit-down restaurant where the manner of preparation, packaging and serving of food or beverages encourages their consumption outside the building. This term does not include a tavern.

10. ENTERTAINMENT AND RECREATION USES. a. “Park or playground” means a public, noncommercial park, playground or open space. This term does not include a community center, festival grounds, indoor or outdoor recreation facility or sports facility.

b. “Festival grounds” means an outdoor facility, including accessory buildings and structures, used primarily for the accommodation of periodic or seasonal cultural or entertainment programs or events.

c. “Recreation facility, indoor” means a facility for the indoor conduct, viewing or participation in recreational activities. This term includes, but is not limited to, an indoor driving range, volleyball court, bowling alley, ice or roller skating rink, billiard hall, video game center, archery or shooting range, soccer field or basketball court. This term does not include a sports facility or health club.

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d. "Recreation facility, outdoor" means a facility for the outdoor conduct, viewing or participation in recreational activities. Such a facility may include one or more structures. This term includes, but is not limited to, a golf facility, tennis, basketball or volleyball court, soccer, baseball or football field, or amusement park or water park. This term does not include a sports facility or health club.

e. "Health club" means an establishment for the conduct of indoor sports and exercise activities, along with related locker and shower rooms, offices and classrooms, where use of such establishment is offered on a membership basis.

f. "Sports facility" means a place designed and equipped primarily for observation of sports, leisure time activities and other customary and usual recreational activities. Such a facility is typified by temporal peaks in vehicle trip generation. This term includes, but is not limited to, a stadium, ballpark or arena.

g. "Gaming facility" means a commercial facility where patrons wager money on the outcome of a game, including, but not limited to, a card game or a slot machine.

h. "Theater" means an establishment or facility for presenting motion pictures or live performances for observation by patrons. This term includes an outdoor stage, bandshell or amphitheater, but does not include an adult entertainment establishment.

i. "Convention and exposition center" means a commercial facility used for assemblies or meetings of the members or representatives of groups, including exhibition space. This term does not include banquet halls, clubs, lodges or other meeting facilities of private or nonprofit groups that are primarily used by group members.

j. "Marina" means a facility providing mooring of recreational boats in water, or piers, anchorage areas, launching facilities, boat storage areas or boat sales and service. This term does not include a ship terminal or docking facility or a passenger terminal.

k. "Outdoor racing facility" means an establishment engaged in operating a track for racing, including but not limited to the racing of motor vehicles, dogs or horses.

L. "Adult entertainment establishment" means an establishment providing nude dancing or other live or recorded performances that depict, describe or relate to specified sexual activities: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation or sodomy; fondling or other erotic touching of human genitals (pubic region), buttocks or female breasts; or specified anatomical areas. This term does not include any establishment for which a license is required under ch. 90.

11. STORAGE, RECYCLING AND WHOLESALE TRADE USES. a. "Recycling collection facility" means a facility for the deposit, sorting or batching, but not processing, of post-consumer recyclable materials. This term includes, but is not limited to, a residential self-help, drop-off facility or a transfer station which receives residential solid waste collected by city forces or deposited by city residents.

b. "Mixed-waste processing facility" means an establishment engaged in the processing, separating and sorting of recyclable materials from non-hazardous waste streams or from commingled consumer recyclable materials, such as paper, plastics, beverage cans or household metals.

c. "Material reclamation facility" means an establishment engaged in processing and wholesaling scrap from automobiles, concrete, asphalt or industrial or other non-consumer recyclable materials. This term includes, but is not limited to, an auto wrecker primarily engaged in dismantling motor vehicles for the purpose of wholesaling scrap.

d. "Salvage operation, indoor" means an establishment providing the storage of any equipment, goods, junk, material, merchandise or inoperable motor vehicles within a building for more than 48 hours. Such establishment typically performs the dismantling of items for the salvage of useable parts. This term does not include a recycling collection facility, mixed-waste processing facility, material reclamation facility, wholesale and distribution facility or hazardous materials storage.

e. "Salvage operation, outdoor" means an establishment providing the storage of any equipment, goods, junk, material, merchandise or inoperable or unregistered motor vehicles in the open for more than 48 hours. Such establishment typically performs the dismantling of items for the salvage of useable parts. This term does not include a recycling collection facility, mixed-waste processing facility, material reclamation facility, wholesale and distribution facility or hazardous materials storage.

f. "Wholesale and distribution facility, indoor" means an establishment providing indoor storage and sale of factory-direct merchandise and bulk goods. This term includes, but is not limited to, mail-order and catalog sales, importing, wholesale or retail sale of goods received by the establishment, and wholesale distribution, but does not include sale of goods for individual consumption.

g. “Wholesale and distribution facility, outdoor” means an establishment providing outdoor storage and sale of factory-direct merchandise and bulk goods. This term includes, but is not limited to, mail-order and catalog sales, importing, wholesale or retail sale of goods received by the establishment, and wholesale distribution, but does not include sale of goods for individual consumption.

h. “Storage facility, indoor” means an establishment providing indoor storage of materials, vehicles or goods. This term does not include a hazardous materials storage facility or an indoor wholesale and distribution facility. This term includes, but is not limited to, a mini-warehouse or self-storage facility.

i. “Storage facility, outdoor” means an establishment providing outdoor storage of materials or goods. This term does not include a hazardous materials storage facility, an indoor wholesale and distribution facility or light or heavy motor vehicle outdoor storage.

j. “Storage facility, hazardous materials” means an establishment providing warehousing or bulk storage facilities for hazardous, toxic, flammable, explosive or other dangerous materials.

12. TRANSPORTATION USES. a. “Ambulance service” means a privately-owned facility for the dispatch, storage and maintenance of emergency medical care vehicles.

b. “Ground transportation service” means an establishment providing the storage, maintenance or dispatching of:

b-1. Taxicabs, limousines or other public passenger vehicles, as defined in s. 100-3-21.

b-2. Vehicles licensed or otherwise regulated as human service vehicles by the state of Wisconsin and used for the transportation of elderly or handicapped persons.

b-3. School buses, as described in s. 341.26(2)(d) and (dm), Wis. Stats.

b-4. Tow trucks, as defined in s. 340.01(67n), Wis. Stats.

c. “Passenger terminal” means a facility for passenger transportation operations, including but not limited to a passenger rail station, bus terminal or passenger ship terminal. This term does not include an airport or heliport.

d. “Helicopter landing facility” means a facility used for the takeoff and landing of helicopters, including, but not limited to, any heliport, helipad or helistop. Accessory features such as hangars, parking pads, terminals and service areas are also part of such a facility.

e. “Airport” means facilities for the takeoff and landing of aircraft, including runways, aircraft storage buildings, helicopter pads, air traffic control facilities, informational facilities and devices, terminal buildings and airport auxiliary facilities, including fences, lighting and antennae systems, on-premise signs, driveways and access roads. The term also includes aircraft maintenance facilities, aviation instruction facilities and heliports when part of a larger airport facility.

f. “Ship terminal or docking facility” means a facility for the docking, loading or unloading of ships, barges or boats that primarily transport freight.

g. “Truck freight terminal” means a facility for truck-based freight service and operations, including but not limited to local pickup, local sorting and terminal operations, line-haul loading and unloading, destination sorting and terminal operations and local delivery.

h. “Railroad switching, classification yard, or freight terminal” means a facility for the operation of a line-haul or short-line freight railroad.

13. INDUSTRIAL USES. a. “Manufacturing, light” means an establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. This term includes, but is not limited to, a business engaged in the processing, fabrication, assembly, treatment or packaging of food, textile, leather, wood, paper, chemical, plastic or metal products, but does not include basic industrial processing from raw materials.

b. “Manufacturing, heavy” means an establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its property line. This term includes, but is not limited to:

b-1. Processing and packaging of alcohol beverages.

b-2. Chemical manufacturing.

b-3. Stonework or concrete product manufacturing.

b-4. Fabrication of metal products.

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- b-5. Manufacturing of agricultural, construction or mining machinery.
 - b-6. Motor vehicle manufacturing.
 - b-7. Lumber milling.
 - b-8. Ship or boat construction.
 - b-9. Permanent concrete/batch plant.
 - c. "Manufacturing, intense" means an establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, where such activity involves the use or production of explosives, highly flammable liquids or gases, or toxic or hazardous materials or produces toxic, hazardous or noxious odors, fumes or dust. This term includes, but is not limited to:
 - c-1. Animal or poultry slaughter or auction facility.
 - c-2. Leather tannery.
 - c-3. Distillery of products for finishes.
 - c-4. Explosives manufacturer.
 - c-5. Sawmill.
 - c-6. Paper or pulp mill.
 - c-7. Steel mill.
 - c-8. Petroleum refinery.
 - c-9. Petrochemical plant.
 - c-10. Ore smelting facility.
 - d. "Research and development" means an establishment which conducts research, development or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing. This term includes, but is not limited to, a biotechnology firm or a manufacturer of nontoxic computer components.
 - e. "Processing or recycling of mined materials" means a mine site or the mining or quarrying of stone. This term includes a facility engaged in crushing, grinding, washing, screening, pulverizing, sizing or recycling stone, concrete, asphalt or similar materials.
 - f. "Contractor's shop" means an establishment used for the indoor repair, maintenance or storage of a contractor's vehicles, equipment or materials, and may include the contractor's business office.
 - g. "Contractor's yard" means an establishment used for the outdoor repair, maintenance or storage of a contractor's vehicles, equipment or materials.
- 14. AGRICULTURAL USES.** a. "Plant nursery or greenhouse" means an establishment engaged in growing crops of any kind within or under a greenhouse, cold frame, cloth house or lath house, or growing nursery stock, annual or perennial flowers, vegetables or other garden or landscaping plants. This term does not include a garden supply or landscaping center.
- b. "Raising of crops or livestock" means the growing of crops, including any farm, orchard, community garden or other premises or establishment used for the growing of crops, or the use of land or buildings for the keeping of cows, cattle, horses, sheep, swine, goats, chickens, ducks, turkeys, geese or any other domesticated livestock if permitted by the health department under the provisions of ch. 78.
- 15. UTILITY AND PUBLIC SERVICE USES.** a. "Broadcasting or recording studio" means an establishment containing one or more broadcasting studios for over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio or television programs or motion pictures. This term does not include a transmission tower.
- b. "Substation/distribution equipment, indoor" means a facility, other than a transmission tower and contained entirely within a building, which performs either of the following functions:
- b-1. Aids in the distribution of a utility, including but not limited to electric power or telephone service.
 - b-2. Is used to operate, maintain or provide access to facilities for the transmission of voice, data, text, internet, sound or full-motion-picture video between network termination points.
- c. "Substation/distribution equipment, outdoor" means a facility, other than a transmission tower and not contained entirely within a building, which performs either of the following functions:
- c-1. Aids in the distribution of a utility, including but not limited to electric power or telephone service.

c-2. Is used to operate, maintain or provide access to facilities for the transmission of voice, data, text, internet, sound or full-motion-picture video between network termination points.

d. "Transmission tower" means a structure designed to support one or more reception/transmissions systems. This term includes, but is not limited to, a radio tower, television tower, telephone exchange/microwave relay tower or cellular telephone transmission/personal communications systems tower.

e. "Water treatment plant" means an establishment engaged in operating a water treatment plant or operating a water supply system. The water supply system may include pumping stations, aqueducts or distribution mains. The water may be used for drinking, irrigation or other uses.

f. "Sewage treatment plant" means a facility which operates a sewerage system and sewage treatment facilities that collect, treat and dispose of human waste.

g. "Power generation plant" means a facility that converts one or more energy sources, including but not limited to water power, fossil fuels, nuclear power or solar power, into electrical energy or steam. A power generation plant may also perform either of the following:

g-1. Operation of a transmission system that conveys the energy or steam from the generation facility to a power distribution system.

g-2. Operation of a distribution system that conveys energy or steam from the generation facility or the transmission system to final consumers.

16. TEMPORARY USES. a. "Seasonal market" means a temporary facility used to conduct retail trade for a period not exceeding 90 days in a calendar year.

b. "Temporary real estate sales office" means a temporary office, including a manufactured building, for marketing, sales or rental of residential, commercial or industrial development for a maximum period of one year from the date of permit approval.

c. "Concrete/batch plant, temporary" means a temporary facility that produces or processes concrete or asphalt only for use in a particular construction project and only for the duration of that project.

d. "Live entertainment special event" means a concert, carnival, circus, fair or similar event lasting less than 15 days.

295-205. Rules of Measurement. The following rules of measurement shall be used in the administration and enforcement of this chapter:

1. BUILD-TO LINE. The build-to line shall be measured so that the accuracy of the building placement shall be within one foot, except that no encroachment into public rights-of-way shall be permitted unless allowed or authorized pursuant to the provisions of ch. 245.

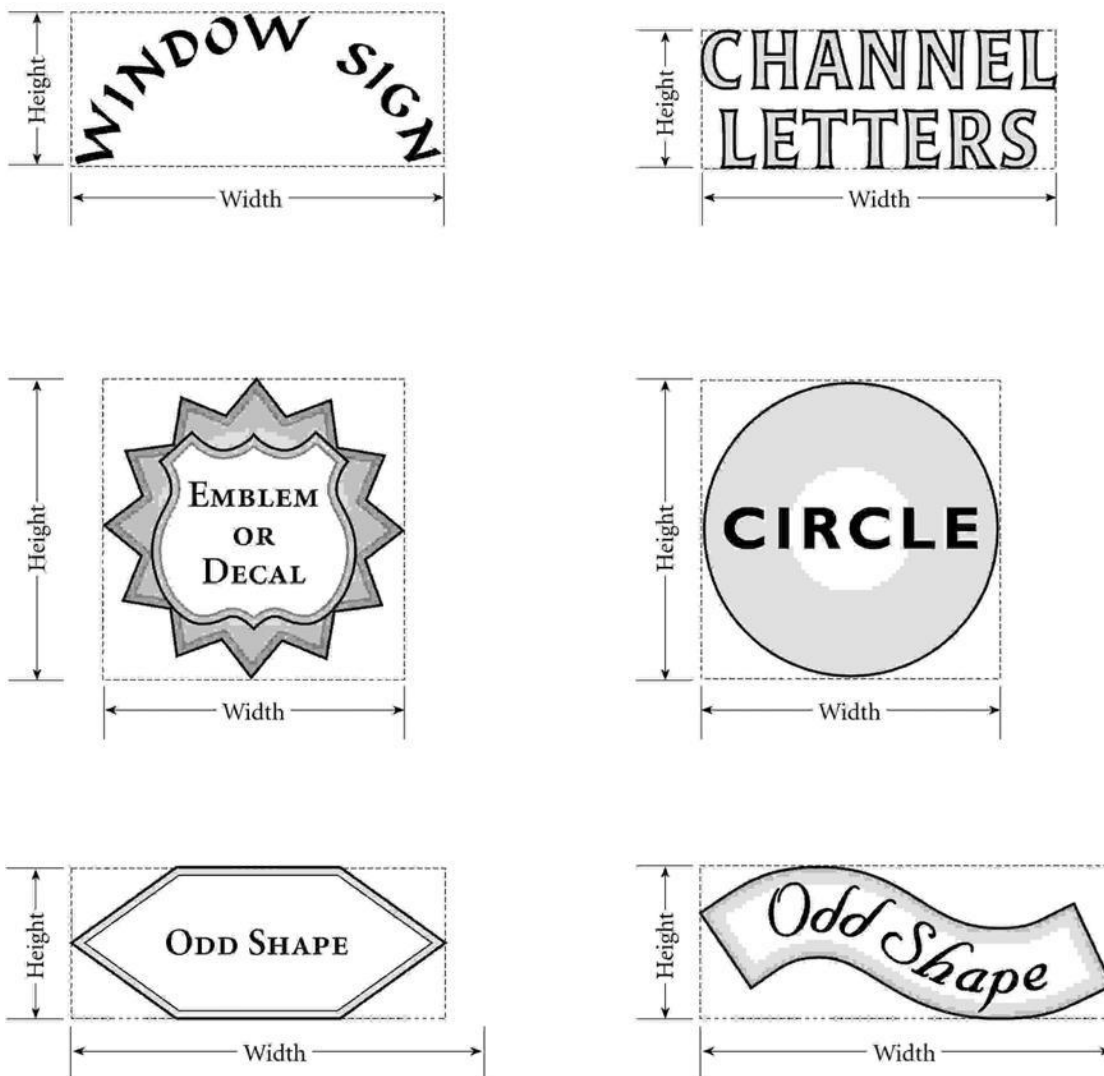
3. BUILDING HEIGHT. Building height shall be measured from finished grade to the highest point of the building. Where a building is located on a sloping lot, the building height shall be the average of the building height on each building elevation, measured at the mid-point of the elevation.

5. DISPLAY AREA. The display area of a sign shall be measured as the area, in square feet, of the smallest rectilinear polygon, with a maximum of 8 sides, that describes the portion of the sign which encloses all lettering, wording design, or symbols together with any background that, through the use of illumination, color or other techniques, helps the sign stand out from its surroundings. The following rules shall also be used in measuring display area:

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- a. Where a sign has multiple display surfaces and any 2 of these display surfaces are parallel and face in opposite directions, only one of the parallel display surfaces shall be included when calculating display area.
- b. For an internally-illuminated awning sign, the display area shall be calculated as the height of the awning multiplied by its width.
- c. The area of temporary signs shall not be included in computation of allowable area for permanent signage. Only one of the parallel display surfaces shall be included when calculating display area.
- d. Where a sign contains elements of both type A and type B signs, neither element shall exceed the maximum size for its sign type, and the combined area of both elements shall not exceed 100% of the combined total permitted area for the 2 sign types. For example, a freestanding sign in an LB1 district could include a 40-square-foot type A element (40% of the maximum size of 100 square feet) and a 30- square-foot type B element (60% of the maximum size of 50 square feet).

**Figure 295-205-5
MEASUREMENT OF DISPLAY AREA**



7. FLOOR AREA. Floor area shall be measured as the sum of the actual gross horizontal area of all floors, mezzanine space and interior balconies located at or above the established grade of the lowest abutting street, excluding:

- a. Attic space having less than 7 feet of head room.
- b. Any space devoted to off-street parking or loading.
- c. A utility room or furnace room.

9. FLOOR AREA, GROSS. Gross floor area shall be measured as the total horizontal area in square feet of all floors within the exterior walls of a building, but not including the area of unroofed inner courts or shaft enclosures.

11. FLOOR AREA RATIO. Floor area ratio shall be measured as the ratio of floor area to lot area. For example, a floor area ratio of 2:1 means that there are 2 square feet of floor area for every one square foot of lot area.

13. FRACTIONS. When calculations result in fractions, the results shall be rounded as follows:

a. **Minimum Requirements.** When a regulation is expressed in terms of a minimum requirement, any fractional result shall be rounded up to the next consecutive whole number. For example, if a minimum requirement of one tree for every 30 feet is applied to a 40-foot strip, the resulting fraction of 1.33 shall be rounded up to 2 required trees.

b. **Maximum Amounts.** When a regulation is expressed in terms of a maximum amount, any fractional result shall be rounded down to the next lower whole number. For example, if a maximum of one dwelling unit for every 3,000 square feet is applied to an 8,000-square-foot site, the resulting fraction of 2.67 shall be rounded down to 2 dwelling units.

14. LOCATING FLOODPLAIN BOUNDARIES. Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in pars. a and b. If a significant difference exists, the map shall be amended according to s. 295-307. The commissioner may rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The commissioner shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined, and for initiating any map amendments required under this subsection. Disputes between the commissioner and an applicant over a district boundary line shall be settled according to s. 295-311-8 and the following criteria:

a. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies. Where the flood profiles are based on established base flood elevations from a flood insurance rate map, the approval of the federal emergency management agency pursuant to s. 295-1011-7-b-6 shall be required for any map amendment.

b. Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Wisconsin department of natural resources.

15. LOT COVERAGE. When measuring lot coverage, the following shall not be included:

- a. Eaves projecting less than 2.5 feet from a building.
- b. Trellises and similar structures which do not have solid roofs.
- c. The portion of any uncovered and unenclosed deck, porch, landing, balcony, planter or stairway that is less than 30 inches above grade.

17. MEASURING DISTANCES. Distances shall be measured using the following standards:

a. **Horizontal Distances.** When determining distances for setbacks and structure dimensions, all distances shall be measured along a horizontal line from the appropriate line, edge of building, structure, storage area, parking area or other object. These distances shall not be measured by following the topography of the land.

b. **Shortest Distances.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement shall be made at the closest or shortest distance between the 2 objects, features or points.

c. **Vehicle Stacking or Travel Areas.** Minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, shall be measured down the center of the vehicle maneuvering lane. For example, a curving driveway or travel lane is measured along the arc of the driveway or traffic lane.

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d. Distance Between Uses. Whenever the provisions of this chapter require measuring the distance between existing and proposed uses, the distance shall be measured as the shortest distance between lot lines of the 2 uses.

19. SIGN HEIGHT. The height of a sign shall be determined by measuring the distance between the highest point of the actual sign structure and the finished grade directly below it. Sign height shall be measured in feet.

21. TRANSMISSION TOWER HEIGHT. The following principles shall apply when measuring the height of a transmission tower:

a. The transmission tower height shall include the height of any reception/transmission systems extending above the top of the tower.

b. Transmission tower height shall be measured in feet.

c. For a freestanding tower, the height of such tower shall be the height of the tower above finished grade, measured at the center of the tower.

d. Unless otherwise noted in this chapter, whenever a transmission tower is mounted to a building or other structure, the height of such tower shall be considered to include both the height of the tower itself plus the height of the building or structure from the ground to the lowest point of attachment.

23. UPPER STORY SETBACK. The upper story setback shall be measured as the distance that the exterior wall of an upper floor is recessed from the exterior wall of the floor below.

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